



Posted: Friday, October 05, 2012

NOTICE AND CALL OF THE REGULAR MEETING OF THE TRINIDAD CITY COUNCIL

The Trinidad City Council will hold its regular monthly meeting on
WEDNESDAY, OCTOBER 10, 2012 at 7:00 PM
in the Town Hall at 409 Trinity Street

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- I. **CALL TO ORDER/ROLL CALL**
 - II. **PLEDGE OF ALLEGIANCE**
 - III. **ADJOURN TO CLOSED SESSION – *No Closed Session Scheduled.***
 - IV. **RECONVENE TO OPEN SESSION**
 - V. **APPROVAL OF AGENDA**
 - VI. **APPROVAL OF MINUTES - 09-12-12 cc, 09-26-12 cc2**
 - VII. **COUNCIL MEMBER REPORTS, INCLUDING COMMITTEE ASSIGNMENTS**
 - VIII. **ORAL STAFF REPORTS - Specific Department Reports, Planning Commission**
 - IX. **ITEMS FROM THE FLOOR**
(Three (3) minute limit per Speaker unless Council approves request for extended time.)
 - X. **CONSENT AGENDA**
 1. Financial Status Reports for August 2012.
 2. Staff Activities Report for September 2012
 3. Sheriff's Activity Report September 2012
 4. Final Change Orders and Notice of Completion of the Trinidad Gateway Project.
 5. Authorize City Manager to Sign Contract for Service with LACO for the Luffenholtz Creek Sediment Reduction Project.
 - X. **DISCUSSION/ACTION AGENDA ITEMS**
 1. Disussion/Decision regarding Ordinance 2012-04; Adopting the Updated Building Department Fee Schedule.
 2. Discussion/Decision regarding Wildfire Protection Contract with CalFire.
 3. Discussion/Decision regarding Request from CalFire to Connect to the City's Water System.
 4. Discussion/Decision regarding Request to Remove Existing Conditions and Place New Conditions on the Trinidad Bay Bed & Breakfast.
 5. Discussion/Decision to Increase Business License Fees.
 - XI. **COUNCIL, STAFF, or PUBLIC REQUESTS FOR FUTURE AGENDA ITEMS**
 - XII. **ADJOURNMENT**

APPROVAL OF MINUTES FOR:

September 12, 2012 CC
September 26, 2012 CC2:

Supporting Documentation follows with: **3 PAGES**

***SEPTEMBER 26 MINUTES WERE NOT AVAILABLE WHEN THIS PACKET WAS
PRODUCED. THEY WILL BE MADE AVAILABLE IN ADVANCE OF THE MEETING FOR
REVIEW.***

MINUTES OF THE REGULAR MEETING OF THE TRINIDAD CITY COUNCIL
WEDNESDAY, SEPTEMBER 12, 2012

I. CALL TO ORDER/ROLL CALL

- Mayor Bhardwaj called the meeting to order at 7:00PM. Council members in attendance: Morgan, Miller, Bhardwaj, Davies.
- City Staff in attendance: City Clerk Gabriel Adams. ***City Manager Karen Suiker was absent.***

II. PLEDGE OF ALLEGIANCE

III. ADJOURNMENT TO CLOSED SESSION – No closed session scheduled

IV. RECONVENE TO OPEN SESSION

V. APPROVAL OF AGENDA

*Motion (Miller/Davies) to approve the agenda as written. **Passed unanimously.***

VI. APPROVAL OF MINUTES – August 08, 2012 cc,

*Motion (Morgan/Miller) to approve the minutes as written. **Passed unanimously.***

VII. COMMISSIONERS REPORTS

Davies: Nothing to report.

Miller: Coastal National Monument Gateway Committee met. Gave a brief summary of what each participating member is up to.

Morgan: Nothing to report.

Fulkerson: HTA: Noted the new HTA decal wrap that covers the entire bus. Good to see local money from the grower economy being cycled into the community and supporting the public transportation system.

VIII. STAFF REPORTS

Gabriel Adams, City Clerk: Gateway Project is complete. November Election ballots are being proofed, Household Hazardous Waste event on Saturday at the Rancheria, and T.O.T. revenue of \$95,000 received for 2011-2012 FY.

IX. ITEMS FROM THE FLOOR

John Spyropoulos – Trinidad

Asked about the difference between consent and discussion agenda items. Concerned about safety of pedestrians passing under the freeway overpass at night. It should be lighted. Also, complained that the Civic Club did not allow him to attend their meeting.

X. CONSENT AGENDA

1. Financial Status Reports for June 2012.
2. Humboldt County Sheriff's Office Activity Report for the City of Trinidad.
3. Conversion of Employee Vacation Time to Cash.
4. Update on Moss Subdivision Appeal.
5. Final Payment to Code Publishing Inc. for Recodification of Municipal Code
6. Proclamation in Support of Gay Pride
7. Luffenholtz Creek Sediment Reduction Contracts with RCAA and GHD
8. Agreement for Services with GHD for Water System Turbidity Monitoring Project

*Motion (Miller/Fulkerson) to approve the consent agenda as submitted. **Passed 5-0.***

XI. AGENDA ITEMS

1. Discussion/Decision regarding Dissolution of the Trinidad Gateway Advisory Committee with Appreciation for its Successful Contributions. (Davies).

In a brief staff report in the meeting packet for the Council, City Manager Suiker explained that the Trinidad's Gateway Advisory Committee was first considered by the Council in 1999 and members were formally appointed in 2004 to plan for the City's Gateway Improvement Project. The committee's efforts have been very successful, as has clearly been demonstrated by the outstanding results of the recently completed Gateway project. This Committee was also helpful in design and placement selection of the new streetlights and in working with CalTrans on the artistic component to be included in their seismic retrofit project.

Councilmember Davies explained that the Committee's original purpose has been filled, and that there are no current topics that need to be addressed by this committee at this time.

There was no comment from the Council or public.

*Motion (Davies/Miller) to dissolve the Trinidad Gateway Advisory Committee and direct staff to send letters of appreciation to committee members for their successful contributions. **Passed unanimously.***

2. Discussion/Decision regarding Consideration of Donation for new Air Service. (Fulkerson)

Councilmember Fulkerson introduced Don Enebuske, Executive Director of RREDC. Enebuske explained that in an effort to attract new air service to Humboldt County, a 1 million dollar, 2-year minimum revenue guarantee contract is required. A significant amount of money has already been raised by the community to support the service contract, and a match proposal from the Headwaters Foundation has the potential to help us reach our goal. To do so, additional funds from local communities are being sought.

RREDC has raised approximately \$30,000 of their \$125,000 goal. The objective is to raise enough money to send a clear message to the Headwaters Board by proving community support. Enebuske requests that Trinidad contribute up to \$1000.

Public comment included:

Steve Ruth – Trinidad

I do not support public money being spent on non-viable commercial enterprise at this time given the current state of our economy. If there was a big enough market for another airline in Arcata, it would already be here.

Council comments included:

Morgan: Very few of my customers fly into Humboldt, but I do support making this contribution.

Fulkerson: The ticket savings calculation is incredible. I support making the contribution. We need competitive airfare out of Arcata, and need the infrastructure to keep our economy strong.

Davies: Supports the contribution. Hopes that the medical community will step up and provide financial support as well. **Bhardwaj** agreed.

Enebuske further explained that Horizon left because Skywest bought them. Delta stayed 18 months but they were here during the economy crash. We saved a ton of money on tickets when they were here. We're buying a service to our community, not simply supporting a corporation. It's hard to predict the future, but this is clearly an investment to our infrastructure. American Airlines was going to come to Arcata, but the County wasn't able to pull the finances together in time. This time, we're getting the finances in order first so we can write the contract specific to our needs.

*Motion (Morgan/Fulkerson) to approve a \$1000 contribution to RREDC for the Air Service Development Fund. **Passed unanimously.***

3. Discussion/Decision to Consider Resolution 2012-12; Supporting a Constitutional Amendment to Overturn the Citizens United Decision. (Miller)

Councilmember Miller explained the Citizens United court decision, and that he's profoundly in favor of free speech. The practical effects of the Citizens United decision basically allowed corporations to gather large amounts of money and spend it during elections to support their candidates or cause. Miller further explained that abstract ideas don't always work out in practice. A series of court decisions have given corporations the same rights as individuals. The proposed Resolution will send a message to congress that Trinidad opposes the Supreme Courts interpretation of the Constitution in Citizens United regarding the rights of corporations and that money does not equal speech.

Council comments:

Morgan: I would like to support the resolution but can't because of the second part of it that says "...the expenditure of money by any **person** or entity to influence..." I would like to see **person** excluded from the statement. Then I could support it.

Bhardwaj: I typically don't like to get Trinidad involved in these bigger issues, but I will support the Resolution.

Fulkerson: Also support the Resolution, but find it ridiculous that we even have to have this conversation. It's a no-brainer.

*Motion (Miller/Fulkerson) to approve Resolution 2012-12 as written. **Passed 4-1. No-Morgan.***

XII. COUNCIL REQUEST FOR FUTURE AGENDA ITEMS

XIII. ADJOURNMENT

- Meeting ended at 8:15pm.

Submitted by:

Gabriel Adams
City Clerk

Approved by:

Julie Fulkerson
Mayor Pro-Tem



CONSENT AGENDA ITEM 1

SUPPORTING DOCUMENTATION FOLLOWS WITH: 8 PAGES

1. Financial Status Reports for August 2012.

City of Trinidad
Statement of Revenues and Expenditures - GF Revenue
From 8/1/2012 Through 8/31/2012

	Current Month	Year to Date	Total Budget - Original	% of Budge	
Revenue					
41010	PROPERTY TAX - SECURED	0.00	0.00	72,200.00	100.00)%
41020	PROPERTY TAX - UNSECURED	0.00	0.00	3,025.00	100.00)%
41040	PROPERTY TAX-PRIOR UNSECURED	0.00	0.00	60.00	100.00)%
41050	PROPERTY TAX - CURRENT SUPPL	0.00	0.00	220.00	100.00)%
41060	PROPERTY TAX-PRIOR SUPPL	0.00	0.00	200.00	100.00)%
41070	PROPERTY TAX - FINES	0.00	0.00	1,000.00	100.00)%
41110	PROPERTY TAX EXEMPTION	0.00	0.00	640.00	100.00)%
41130	PUBLIC SAFETY 1/2 CENT	0.00	0.00	1,660.00	100.00)%
41140	PROPERTY TAX - DOCUMENTARY RE	0.00	0.00	2,000.00	100.00)%
41190	PROPERTY TAX ADMINISTRATION FE	0.00	0.00	(3,675.00)	100.00)%
41200	LAFCO Charge	0.00	0.00	(600.00)	100.00)%
41210	IN-LIEU SALES & USE TAX	0.00	0.00	23,620.00	100.00)%
41220	IN LIEU VLF	0.00	0.00	26,520.00	100.00)%
42000	SALES & USE TAX	0.00	0.00	190,000.00	100.00)%
43000	TRANSIENT LODGING TAX	0.00	0.00	87,500.00	100.00)%
47310	VEHICLE LICENSE COLLECTION	0.00	0.00	200.00	100.00)%
49080	MOTOR VEHICLE FINES	0.00	0.00	720.00	100.00)%
53010	COPY MACHINE FEE	1.00	1.00	50.00	(98.00)%
53020	INTEREST INCOME	42.30	4,336.71	20,000.00	(78.32)%
53090	OTHER MISCELLANEOUS INCOME	153.04	153.04	2,500.00	(93.88)%
54020	PLANNER- APPLICATION PROCESSIN	750.00	750.00	6,000.00	(87.50)%
54050	BLDG.INS-PAPPLICATION PROCESSI	581.56	2,205.34	10,000.00	(77.95)%
54100	ANIMAL LICENSE FEES	40.00	54.00	100.00	(46.00)%
54150	BUSINESS LICENSE TAX	1,597.50	6,991.00	8,400.00	(16.77)%
54300	ENCROACHMENT PERMIT FEES	0.00	0.00	200.00	100.00)%
56400	RENT - VERIZON	1,739.79	3,479.58	21,118.00	(83.52)%
56500	RENT - HARBOR LEASE	0.00	0.00	5,125.00	100.00)%
56650	RENT - SUDDENLINK	0.00	1,105.20	3,920.00	(71.81)%
56700	RENT - TOWN HALL	280.00	640.00	10,000.00	(93.60)%
	Total Revenue	5,185.19	19,715.87	492,703.00	(96.00)%

City of Trinidad
Statement of Revenues and Expenditures - GF Expense
201 - GFAdmin
From 8/1/2012 Through 8/31/2012

		Current Month	Year to Date	Total Budget - Original	% of Budget
Expense					
60000	INTERDEPARTMENTAL TRANSFER EXP	0.00	0.00	2,385.00	100.00%
60900	HONORARIUMS	250.00	500.00	3,000.00	83.33%
61000	EMPLOYEE GROSS WAGE	7,140.26	12,467.03	92,768.00	86.56%
61250	OVERTIME	0.00	0.00	500.00	100.00%
61470	FRINGE BENEFITS	46.16	92.32	0.00	0.00%
65100	DEFERRED RETIREMENT	277.72	486.02	3,657.00	86.71%
65200	MEDICAL INSURANCE AND EXPENSE	338.71	815.87	5,663.00	85.59%
65300	WORKMEN'S COMP INSURANCE	0.00	3,050.19	3,101.00	1.64%
65500	EMPLOYEE MILEAGE REIMBURSEMENT	91.00	139.00	1,200.00	88.42%
65600	PAYROLL TAX	570.49	996.94	7,377.00	86.49%
68090	CRIME BOND	0.00	525.00	525.00	0.00%
68200	INSURANCE - LIABILITY	0.00	9,400.30	9,919.00	5.23%
68300	PROPERTY & CASUALTY	0.00	3,705.00	4,466.00	17.04%
71110	ATTORNEY-ADMINISTRATIVE TASKS	0.00	4,196.85	20,000.00	79.02%
71130	ATTORNEY-LITIGATION	0.00	2,145.00	5,000.00	57.10%
71160	ACCOUNTING	2,060.18	3,111.35	0.00	0.00%
71210	CITY ENGINEER-ADMIN. TASKS	0.00	0.00	1,500.00	100.00%
71310	CITY PLANNER-ADMIN. TASKS	6,036.25	10,293.00	38,600.00	73.33%
71410	BLDG INSPECTOR-ADMIN TASKS	0.00	550.00	10,000.00	94.50%
71420	BLDG INSPECTOR-PERMIT PROCESS	280.00	280.00	0.00	0.00%
71510	ACCOUNTANT-ADMIN TASKS	0.00	0.00	11,050.00	100.00%
71620	AUDITOR-FINANCIAL REPORTS	0.00	0.00	13,585.00	100.00%
72000	CHAMBER OF COMMERCE	0.00	0.00	4,000.00	100.00%
75110	FINANCIAL ADVISOR/TECH SUPPORT	170.00	405.00	1,200.00	66.25%
75170	RENT	650.00	1,300.00	8,190.00	84.13%
75180	UTILITIES	102.91	796.43	6,000.00	86.73%
75190	DUES & MEMBERSHIP	0.00	125.00	1,100.00	88.64%
75200	MUNICIPAL/UPDATE EXPENSE	3,821.25	4,322.30	3,006.00	(43.79)%
75220	OFFICE SUPPLIES & EXPENSE	257.25	452.40	5,500.00	91.77%
75240	BANK CHARGES	21.20	24.20	200.00	87.90%
75300	CONTRACTED SERVICES	0.00	0.00	1,000.00	100.00%
75990	MISCELLANEOUS EXPENSE	0.00	4.50	0.00	0.00%
76110	TELEPHONE	106.74	214.42	2,500.00	91.42%
76130	CABLE & INTERNET SERVICE	160.95	321.90	2,400.00	86.59%
76150	TRAVEL	0.00	0.00	1,500.00	100.00%
78120	STREET LIGHTING	9.53	9.53	0.00	0.00%
78160	BUILDING REPAIRS & MAINTENANCE	286.58	326.38	5,000.00	93.47%
78190	MATERIALS, SUPPLIES & EQUIPMEN	250.76	618.59	6,200.00	90.02%
Total Expense		22,927.94	61,674.52	282,092.00	78.14%

City of Trinidad
Statement of Revenues and Expenditures - GF Expense
301 - Police
From 8/1/2012 Through 8/31/2012

		<u>Current Month</u>	<u>Year to Date</u>	<u>Total Budget - Original</u>	<u>% of Budget</u>
	Expense				
61000	EMPLOYEE GROSS WAGE	375.63	643.14	4,694.00	86.30%
65300	WORKMEN'S COMP INSURANCE	0.00	184.86	157.00	(17.75)%
65600	PAYROLL TAX	28.73	49.19	359.00	86.30%
75170	RENT	650.00	1,300.00	8,190.00	84.13%
75180	UTILITIES	110.14	266.43	2,410.00	88.94%
75220	OFFICE SUPPLIES & EXPENSE	521.40	521.40	200.00	(160.70)%
75300	CONTRACTED SERVICES	0.00	0.00	85,372.00	100.00%
75350	ANIMAL CONTROL	113.00	226.00	1,796.00	87.42%
76110	TELEPHONE	<u>77.31</u>	<u>155.72</u>	<u>1,000.00</u>	<u>84.43%</u>
	Total Expense	<u>1,876.21</u>	<u>3,346.74</u>	<u>104,178.00</u>	<u>96.79%</u>

City of Trinidad
Statement of Revenues and Expenditures - GF Expense
401 - Fire
From 8/1/2012 Through 8/31/2012

		<u>Current Month</u>	<u>Year to Date</u>	<u>Total Budget - Original</u>	<u>% of Budget</u>
	Expense				
60900	HONORARIUMS	150.00	300.00	1,800.00	83.33%
75180	UTILITIES	137.07	188.23	1,315.00	85.69%
75190	DUES & MEMBERSHIP	0.00	0.00	10.00	100.00%
75300	CONTRACTED SERVICES	0.00	145.00	128.00	(13.28)%
76110	TELEPHONE	3.89	10.70	100.00	89.30%
76140	RADIO & DISPATCH	0.00	0.00	618.00	100.00%
78100	STREET MAINT/REPAIR/SANITATION	25.73	25.73	0.00	0.00%
78140	VEHICLE FUEL & OIL	0.00	0.00	400.00	100.00%
78150	VEHICLE REPAIRS	0.00	0.00	3,000.00	100.00%
78160	BUILDING REPAIRS & MAINTENANCE	0.00	0.00	700.00	100.00%
78190	MATERIALS, SUPPLIES & EQUIPMEN	0.00	0.00	2,500.00	100.00%
78200	EQUIPMENT REPAIRS & MAINTENANC	0.00	0.00	750.00	100.00%
90000	Capital Reserves	0.00	0.00	10,000.00	100.00%
	Total Expense	<u>316.69</u>	<u>669.66</u>	<u>21,321.00</u>	<u>96.86%</u>

City of Trinidad
Statement of Revenues and Expenditures - GF Expense
501 - PW (Public Works)
From 8/1/2012 Through 8/31/2012

		<u>Current Month</u>	<u>Year to Date</u>	<u>Total Budget - Original</u>	<u>% of Budget</u>
	Expense				
61000	EMPLOYEE GROSS WAGE	2,961.27	5,231.50	38,897.00	86.55%
61250	OVERTIME	0.00	0.00	1,500.00	100.00%
65100	DEFERRED RETIREMENT	299.60	530.15	3,943.00	86.55%
65200	MEDICAL INSURANCE AND EXPENSE	1,120.26	2,784.62	19,663.00	85.84%
65300	WORKMEN'S COMP INSURANCE	0.00	1,294.02	1,301.00	0.54%
65600	PAYROLL TAX	249.81	441.47	3,277.00	86.53%
65800	Grant Payroll Allocation	0.00	(467.29)	0.00	0.00%
71210	CITY ENGINEER-ADMIN. TASKS	408.00	680.00	4,800.00	85.83%
71250	CITY ENGINEER - PROJECT FEES	0.00	0.00	4,000.00	100.00%
71510	ACCOUNTANT-ADMIN TASKS	0.00	0.00	3,000.00	100.00%
75300	CONTRACTED SERVICES	111.00	111.00	3,000.00	96.30%
78100	STREET MAINT/REPAIR/SANITATION	356.68	356.68	5,000.00	92.87%
78120	STREET LIGHTING	330.78	750.85	5,000.00	84.98%
78130	TRAIL MAINTENANCE	0.00	234.27	1,000.00	76.57%
78140	VEHICLE FUEL & OIL	393.27	758.05	4,000.00	81.05%
78150	VEHICLE REPAIRS	1.93	1.93	2,500.00	99.92%
78190	MATERIALS, SUPPLIES & EQUIPMEN	0.00	464.53	7,795.00	94.04%
90000	Capital Reserves	0.00	0.00	10,000.00	100.00%
	Total Expense	<u>6,232.60</u>	<u>13,171.78</u>	<u>118,676.00</u>	<u>88.90%</u>

City of Trinidad
Statement of Revenues and Expenditures - Monthly Reports
204 - IWM
From 8/1/2012 Through 8/31/2012

		Current Period Actual	Current Year Actual	Total Budget - Original	% of Budget
	Revenue				
46000	GRANT INCOME	0.00	0.00	5,000.00	(100.00)%
47600	BLUE BAG SALES	504.00	704.00	3,600.00	(80.44)%
47650	RECYCLING REVENUE	4,238.58	5,642.19	33,060.00	(82.93)%
	Total Revenue	4,742.58	6,346.19	41,660.00	(84.77)%
	Expense				
61000	EMPLOYEE GROSS WAGE	437.71	772.08	5,762.00	86.60%
65100	DEFERRED RETIREMENT	52.51	92.61	691.00	86.60%
65200	MEDICAL INSURANCE AND EXPENSE	144.71	363.42	2,543.00	85.71%
65300	WORKMEN'S COMP INSURANCE	0.00	184.86	193.00	4.22%
65600	PAYROLL TAX	37.49	66.13	493.00	86.59%
65800	Grant Payroll Allocation	0.00	(49.45)	0.00	0.00%
75120	WASTE RECYCLING PICKUP/DISPOSA	0.00	0.00	18,000.00	100.00%
75130	GARBAGE	440.30	440.30	0.00	0.00%
75140	BLUE BAG PURCHASES	0.00	0.00	3,600.00	100.00%
78100	STREET MAINT/REPAIR/SANITATION	0.00	514.70	6,500.00	92.08%
78190	MATERIALS, SUPPLIES & EQUIPMEN	418.81	542.55	1,000.00	45.74%
78210	Advertising Outreach & Project	0.00	0.00	100.00	100.00%
	Total Expense	1,531.53	2,927.20	38,882.00	92.47%
	Net Income	3,211.05	3,418.99	2,778.00	23.07%

City of Trinidad
Statement of Revenues and Expenditures - Monthly Reports
601 - Water
From 8/1/2012 Through 8/31/2012

		Current Period Actual	Current Year Actual	Total Budget - Original	% of Budget
Revenue					
53020	INTEREST INCOME	0.00	0.00	9,000.00	(100.00)%
53090	OTHER MISCELLANEOUS INCOME	9.10	9.10	1,000.00	(99.09)%
57100	WATER SALES	26,486.03	50,047.87	265,700.00	(81.16)%
57300	NEW WATER HOOK UPS	0.00	0.00	4,500.00	(100.00)%
57500	WATER A/R PENALTIES	(696.71)	(3,777.48)	8,000.00	(147.22)%
	Total Revenue	25,798.42	46,279.49	288,200.00	(83.94)%
Expense					
61000	EMPLOYEE GROSS WAGE	6,774.28	11,916.19	89,127.00	86.63%
61250	OVERTIME	0.00	0.00	2,000.00	100.00%
65100	DEFERRED RETIREMENT	785.05	1,381.15	10,332.00	86.63%
65200	MEDICAL INSURANCE AND EXPENSE	2,485.46	6,061.37	41,993.00	85.57%
65300	WORKMEN'S COMP INSURANCE	0.00	2,957.76	2,980.00	0.75%
65600	PAYROLL TAX	578.46	1,017.59	7,609.00	86.63%
65800	Grant Payroll Allocation	0.00	(1,023.51)	0.00	0.00%
68090	CRIME BOND	0.00	175.00	0.00	0.00%
68200	INSURANCE - LIABILITY	0.00	5,061.70	5,341.00	5.23%
68300	PROPERTY & CASUALTY	0.00	1,995.00	2,405.00	17.05%
71110	ATTORNEY-ADMINISTRATIVE TASKS	0.00	0.00	500.00	100.00%
71160	ACCOUNTING	1,109.32	1,676.15	0.00	0.00%
71210	CITY ENGINEER-ADMIN. TASKS	0.00	0.00	5,000.00	100.00%
71510	ACCOUNTANT-ADMIN TASKS	0.00	0.00	7,000.00	100.00%
71620	AUDITOR-FINANCIAL REPORTS	0.00	0.00	7,315.00	100.00%
72100	BAD DEBTS	0.00	141.05	200.00	29.48%
75180	UTILITIES	1,302.15	2,636.17	13,500.00	80.47%
75190	DUES & MEMBERSHIP	90.00	90.00	900.00	90.00%
75220	OFFICE SUPPLIES & EXPENSE	90.08	150.17	2,200.00	93.17%
75230	INTEREST EXPENSE	0.00	0.00	1,284.00	100.00%
75240	BANK CHARGES	0.00	20.00	100.00	80.00%
75280	TRAINING / EDUCATION	0.00	0.00	500.00	100.00%
75990	MISCELLANEOUS EXPENSE	0.00	0.00	250.00	100.00%
76110	TELEPHONE	117.97	227.07	900.00	74.77%
76130	CABLE & INTERNET SERVICE	49.00	98.00	620.00	84.19%
76160	LICENSES & FEES	0.00	0.00	2,475.00	100.00%
78140	VEHICLE FUEL & OIL	196.59	291.30	2,500.00	88.35%
78150	VEHICLE REPAIRS	0.00	0.00	2,000.00	100.00%
78160	BUILDING REPAIRS & MAINTENANCE	0.00	12.07	2,000.00	99.40%
78170	SECURITY SYSTEM	69.00	69.00	350.00	80.29%
78190	MATERIALS, SUPPLIES & EQUIPMEN	118.14	118.14	6,505.00	98.18%
78200	EQUIPMENT REPAIRS & MAINTENANC	0.00	0.00	1,000.00	100.00%
79100	WATER LAB FEES	95.00	190.00	4,500.00	95.78%
79120	WATER PLANT CHEMICALS	0.00	1,064.89	12,000.00	91.13%
79130	WATER LINE HOOK-UPS	0.00	0.00	4,000.00	100.00%
79150	WATER LINE REPAIR	90.60	90.60	30,000.00	99.70%
79160	WATER PLANT REPAIR	0.00	46.54	10,000.00	99.53%
90000	Capital Reserves	0.00	0.00	15,000.00	100.00%
	Total Expense	13,951.10	36,463.40	294,386.00	87.61%
	Net Income	11,847.32	9,816.09	(6,186.00)	(258.68)%

City of Trinidad
Statement of Revenues and Expenditures - Monthly Reports
701 - Cemetery
From 8/1/2012 Through 8/31/2012

		Current Period Actual	Current Year Actual	Total Budget - Original	% of Budget
	Revenue				
53020	INTEREST INCOME	0.00	0.00	2,000.00	(100.00)%
58100	CEMETERY PLOT SALES	2,077.50	2,952.50	6,000.00	(50.79)%
	Total Revenue	2,077.50	2,952.50	8,000.00	(63.09)%
	Expense				
61000	EMPLOYEE GROSS WAGE	437.69	772.06	5,762.00	86.60%
65100	DEFERRED RETIREMENT	52.52	92.64	691.00	86.59%
65200	MEDICAL INSURANCE AND EXPENSE	144.71	363.42	2,543.00	85.71%
65300	WORKMEN'S COMP INSURANCE	0.00	184.86	193.00	4.22%
65600	PAYROLL TAX	37.50	66.13	493.00	86.59%
65800	Grant Payroll Allocation	0.00	(49.45)	0.00	0.00%
78190	MATERIALS, SUPPLIES & EQUIPMEN	0.00	0.00	500.00	100.00%
	Total Expense	672.42	1,429.66	10,182.00	85.96%
	Net Income	1,405.08	1,522.84	(2,182.00)	(169.79)%



CONSENT AGENDA ITEM 2

SUPPORTING DOCUMENTATION FOLLOWS WITH: 8 PAGES

2. Staff Activities Report for September 2012



STAFF ACTIVITIES REPORT

Through September 2012

A Staff Activities Report is provided to the City Council on a monthly basis, with additions to the previous report indicated in **bold type face**. Old information will be left on this report for a period of time and then removed or updated.

City Administration:

1. **Code Analysis.** The work authorized by the Council in April 2010 for Code Publishing Company to complete the recodification and publication of Trinidad's Municipal Code has now been completed. The city now has a comprehensive, well organized, user friendly and searchable database of all its ordinances, including the zoning and land use code, all of which can be accessed via the link to <http://www.codepublishing.com/CA/Trinidad/> on the City's web site.
2. **On-Site Waste Water Treatment (OWTS) Ordinance.** Draft materials proposed to be mailed out to property owners were presented to the Council at the August meeting, and revisions suggested at that meeting are now being incorporated. In accordance with action taken at the August meeting, Mayor Bhardwaj and Councilmember Miller are working with the Planner on the wording of the information to be mailed.
3. **Library.** The building construction is currently underway. Simultaneously, City staff is working with County staff on development of a Memorandum of Understanding to be in effect once the facility is occupied. Additionally, the City is working with the North Coast Land Trust on a Lease for the subject property.
4. **Town Hall Sound System.** Following consideration and evaluation of various alternatives, a new sound system has now been acquired and installed.
5. **Sales Tax Add-On.** The current .75% sales tax add-on is scheduled to expire on March 31, 2013. A ballot measure to continue the current sales tax add-on will appear on the November 2012 ballot. If the measure fails to pass by a majority vote, it will be necessary to identify some \$100,000 in general fund expenditure reductions in order to balance the budget for next fiscal year.

6. **Harbor Lease.** The lease agreement for the submerged lands between the City and the Rancheria expired in January 2011, and staff continues efforts to work with the Rancheria to bring forward a new or extended lease.

7. **Fees.** Staff has embarked on a project to consolidate, review and update the various fees charged for city services, many of which have not been updated for years, and some of which are unclear and at times contradictory. Two such fee categories, building inspection services and business license fees are submitted for Council consideration at this meeting.

PLANNING ISSUES

1. General Plan.

Circulation Element: The text was approved by the Planning Commission May 16, 2012, and the figures were approved July 3, 2012.

Noise and Safety Element: The text of this element is nearly complete. The figures still need some work. The Planning Commission will discuss this element at their October meeting and possibly take action on it in October or November.

Housing Element: The Planning Commission has recommended (September 5, 2012) completing a comprehensive housing element that meets the needs of Trinidad and most State requirements, but not to try to get that element to the level of State certification. However, they also recommended revisiting the element and considering a certifiable update for the next round of RHNA in 2014 when the complete census data is available. Council concurrence on taking this approach will be solicited at the appropriate time.

Overall: The Planner will need to start reviewing the document as a whole to ensure internal consistency as well as consistency with the Coastal Act and regulations. The elements described above constitute the remainder of the seven (7) state required elements (all others have already been recommended by the Planning Commission for Council review). However, the Planning Commission will also be considering a cultural / historic element and a community design element. Toward that end, the Planner has proposed seeking funding from the Coastal Conservancy for a comprehensive Cultural and Historic Resources Element of the General Plan, which would include background reports and management plans recommended in the Tsurai Management Plan, formal environmental review, Tribal consultation and certification by the Coastal Commission. The Planner will be working with Coastal Conservancy staff to determine if such a proposal is fundable under their grant program and preparing a more complete proposal for the November City Council meeting.

2. Accessory Dwelling Unit (ADU)/Vacation Dwelling Unit (VDU) LCP Amendment. The Coastal Commission has recently advised that additional information is needed in order to continue to process the application and to do their analysis. Most of the requested information is just clarification on language and how the City intends to implement the ordinance. The City will respond and we are hopeful that this matter can be considered by the Commission at their December meeting.

3. Moss Subdivision. The appeal of the Moss Subdivision on Fox Farm Road in Westhaven was heard by the County Board of Supervisors on September 4, 2012. The action of that Board was to approve the staff recommendation, upholding the appeal on certain issues and denying the appeal on other aspects. Specific details of that action as well as testimony presented to the Board of Supervisors were included in the September 12, 2012 Council packet.

4. Civic Club Lighthouse Project. This project was conditionally approved by the Trinidad Planning Commission on August 15, 2012 and was subsequently appealed to the City Council. The Council met on September 26 and denied the appeal. It is unknown at this writing as to whether there will be an appeal to the California Coastal Commission.

Status of Grant Funded Programs

1. Project Name: Gateway Project

Source of Funds: Combination of Transportation Enhancement Funds, Federal High Risk Rural Roads Funds and local Proposition 1B funds

Status: The contracted portion of the project is complete and anticipated to be accepted by the Council at this meeting. The streetlight component of this project will be installed by PG&E, and they are awaiting shipment from the manufacturer before that installation is scheduled.

A project management review was recently conducted by a Transportation Engineer from the Federal Highway Administration, with no issues/concerns raised. As a result of this favorable review, we can be assured of successful cost recovery as well as the possibility of removal of sanctions imposed by our failure to properly document and administer the museum landscaping project which resulted in denial of funding.

2. Project Name: Town Hall Heating System

Source of Funds: Energy Efficiency Block Grant (\$25,000)

Status: The cost for this project came in at \$1,598 over budget, and we were successful in securing additional funds by applying for unexpended funds allocated to other entities. The only non reimbursed portion of this project was the staff

effort involved in project administration, invoicing and submittal of the request for supplemental funding.

3. Project Name: Turbidity Monitoring (SCADA upgrade)

Source of Funding: CA State Proposition (\$113,628)

Status: **GHD is acting as the project manager. All equipment has been installed, and the final programming of the electronic components should be completed in the next month. The project is expected to be completed before the end of the year.**

4. Project Name: Water Plant Improvement Project

Source of Funding: Safe Drinking Water Revolving Fund (\$193,100)

Status: **The design of the water plant improvements is on track. A 60% design deliverable will be provided to City staff for review the week of October 17th. The project is still on track to potentially be 100% grant funded by the California Department of Public Health Proposition 50 program. GHD is coordinating closely with CDPH on the technical review of the project components.**

5. Project Name: Luffenholtz Creek Sediment Reduction

Source of Funding: California Department of Public Health (\$1,670,720)

Status: **Contracts for services have been approved for GHD and RCAA to complete preliminary work including the design, specifications and CEQA, which are required before the final funding agreement with CDPH can be executed. This preliminary work should be completed by December 2012. Following execution of the funding agreement in early 2013, the project can go out to bid for construction to take place in summer 2013.**

6. Project Name: Trinidad Pier Reconstruction (ASBS Project)

Source of Funding: CA State Proposition 84 (\$2,500,000)

Background: This is a Trinidad Rancheria project, in partnership with the City of Trinidad. The City has a grant from State Water Resources Control Board that will fund \$2.5 million of the estimated total cost of \$10 million for reconstruction of the Pier.

Status: **The pier reconstruction is complete and the pier is now open to the public. Post project water quality monitoring and reporting will be conducted for several**

seasons to complete the grant in 2013. The annual progress summary prepared for the funder is available for review at Town Hall.

7. Project Name: Storm Water Management Improvement

Source of Funding: CA State Proposition 84 (\$2,500,000)

Status: Preliminary work is being completed for the Storm Water Management Improvement Project. This will include a Geotechnical Report on the investigation of the subsurface including groundwater flow, depth and direction of flow, and modeling parameters to be used in the infiltration analysis. Initial planning and design for the stormwater system improvements is underway. A public meeting to inform the public about this project will be scheduled in the next several months. Staff has been meeting with the State Water Resources Control Board to determine stormwater and ocean receiving water monitoring requirements that will be coming into effect for the upcoming rainy season. The annual progress summary prepared for the funder is available for review at Town Hall.

8. Project Name: Trinidad to Humboldt Bay Coastal Watershed Program

Source of Funding: Department of Conservation Watershed Coordinator Grant (\$293,910)

Status:

Background: There are two part time watershed coordinators funded through this grant. They are responsible for coordinating a variety of efforts in watersheds from Trinidad to Humboldt Bay. The watershed goals are:

- 1) To develop sustainable coastal watershed partnerships and coordination mechanisms;
- 2) To facilitate a coordinated approach to restoration and conservation activities;
- 3) To work with agencies, municipalities, watershed groups and other partnerships to improve water quality through implementation of pollution reduction strategies and best management practices;
- 4) To improve the resilience and capacity of watersheds & communities to adapt to the effects of climate change;
- 5) To reduce the impacts of invasive species through coordinated prevention, detection, and control.

Status: Watershed Coordinator activities include: 1) Working with Arcata, Eureka and County staff and other entities to plan a workshop for contractors and developers on how to improve stormwater runoff management during and following construction; 2) Meeting with the North Coast Stormwater Coalition and the North

Coast Regional Water Quality Control Board (RWQCB) to plan for implementation by the cities and county of the new Stormwater permits which are scheduled for adoption by the State Water Quality Control Board (SWRCB) in November; 3) Assisting with development of a sea level rise planning project proposed for funding from the State Coastal Conservancy; 4) Assisting with the Luffenholtz Creek Sediment Reduction Project; 5) Participating in the California Coastal National Monument Trinidad Gateway committee on public outreach & education and efforts to remove invasive weeds. The *Watershed Coordinator Grant Annual Report* is available for review at Town Hall.

9. Project Name: Azalea & Pacific

Source of Funding: Proposition 1B (\$55,000)

Two town meetings were held to gather citizen input on this project and the design has been finalized to widen and pave Azalea Way and portions of Pacific Street in order to bring the roads up to city standards, provide improved emergency vehicle access and improve the road drainage facilities. The City will request an allocation of construction funds from the California Transportation Commission (CTC) at the November 2012 meeting of the CTC. If the construction funds are allocated, the project will proceed to construction in Spring/Summer of 2013. However, if state transportation funds are not available, the CTC may defer the allocation of the construction funds for several years.

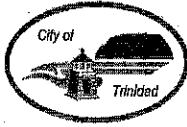
10. Disability Access Survey. In March of this year the Council authorized the submittal of a Grant Program Application for a disability access survey to be funded by the Public Agency Risk Sharing Authority of California (PARSAC). The grant was approved, and the project was on hold pending completion of the Gateway project because a number of disability access improvements were included in this project. Now that the Gateway project is complete, the survey is underway.

Public Works Department

1. Recent Projects

- Completed the project to clean out the filter backwash settling tank of all collected solids so we can now attempt to determine the amount of solids filtered out of our source water. This info will be useful in the design phase of the upcoming plant upgrade. Removal of solids collected in backwash tank as a result of filter process
- Painted curbs.
- Caught up with historic vegetation maintenance on Trinidad Head roads and trails
- Completed 90% of the safety ramp leading to the current library.
- Staff enjoyed well-deserved vacation time.

3. Saunders Park Spruce Up. A major weeding, sprucing and placement of shredded bark on the landscaped areas of Saunders Park was recently completed by Teen Challenge, a group of teenagers and young adults sponsored by Trinidad Living Assembly Church under the direction of Fred Lamberson, Trinidad Rancheria Vice Chair. Teen Challenge is additionally offering regular maintenance at this site for which staff is very grateful.



CONSENT AGENDA ITEM 3

SUPPORTING DOCUMENTATION FOLLOWS WITH: 1 PAGES

3. Sheriff's Activity Report September 2012

Humboldt County Sheriff's Office

Trinidad Activity

September 2012

Alarm	2
Agency Assist	2
Burglary	1
Custody Dispute	1
Disturbance	7
Follow Up Details	4
Found Property	2
Investigations (MISC)	2
Juvenile Detail	1
Mental Evaluation	1
Pedestrian Contact	1
Patrol Checks (including foot patrol)	17
Petty Theft	2
Suspicious Circumstances	1
Traffic Stop	2
Unwanted Subject	1
Vehicle Investigation	1

Please note these numbers indicate the type of call dispatched and do not reflect what the disposition was.

Anyone with information for the Sheriff's Office regarding criminal activity is encouraged to call the Sheriff's Office at 707-445-7251 or the Sheriff's Office Crime Tip line at 707-268-2539.



CONSENT AGENDA ITEM 4

SUPPORTING DOCUMENTATION FOLLOWS WITH: 14 PAGES

4. Final Change Orders and Notice of Completion of the Trinidad Gateway Project.

CONSENT AGENDA ITEM

Date: October 10, 2012

Item: Trinidad Gateway Project

Proposed Action:

1. Accept Change Orders ten (10) through fourteen (14)
2. Authorize the City Manager to sign the Notice of Completion

Attachments:

October 3, 2012 memo from GHD

Proposed Notice of Completion

Change Orders 10 - 14



October 3, 2012

Karen Suiker,
City Manager
City of Trinidad
P. O. Box 390
Trinidad, CA 95570

RE: Trinidad Gateway TE/HR3 Project - Recommendation for Approval of Notice of Completion

Construction of the Trinidad Gateway TE/HR3 Project is complete. The contract item work was completed on September 27, 2012, and all punch list items were scheduled to be completed on October 3, 2012.

The City Council awarded the construction contract for the Trinidad Gateway TE/HR3 Project to Ford Logging dba Pacific Earthscape (Ford Logging) on May 9, 2012. The work generally consisted of street and pedestrian improvements, including but not limited to construction of new blue-outs, crosswalks, curbs, gutters, sidewalks, curb ramps, traffic signs, pavement striping and markings, landscaping, irrigation systems, storm drainage facilities, street light, temporary traffic control, water pollution control, and other related work, as set forth on the project Plans and Specifications.

A total of fourteen contract change orders (CCO's) were issued for the project totaling \$90,961.00. Contract change orders 1 through 9 were approved at the Council's August meeting. Council's approval of CCO's 10 through 14 is requested at the October Council meeting. The final contract amount, including the original contract and subsequent change orders is summarized in the table below:

General Description	Amount
Approved Original Contract Amount	\$ 305,850.00
CCO #1 - Wider Sidewalks	\$ 18,552.65
CCO #2 - DI Retrofit	\$ (2,993.15)
CCO #3 - Sidewalk Underdrain	\$ 930.00
CCO #4 - Irrigation Laterals/Connections	\$ 15,900.00
CCO #5 - Curb Ramp/DI Modifications	\$ 6,000.00
CCO #6 - SD Modifications	\$ (2,700.00)
CCO #7 - 8" Concrete Curbs at Underpass	\$ 1,350.00
CCO #8 - South Main St Sidewalks/Driveways	\$ 30,901.40
CCO #9 - In Roadway Signs at School	\$ 800.00
CCO #10 - SDJB, Bollard, Sculpture Footing	\$ 1,500.00
CCO #11 - No Stopping Signs at School	\$ 1,750.00
CCO #12 - Drip Irrigation System	\$ 6,741.00
CCO #13 - Non-Slip Coating	\$ 200.00
CCO #14 - Final Contract Adjustment	\$ 12,229.10
Final Construction Contract Amount	\$ 397,011.00



Presuming that all items of work have been completed to the satisfaction of the City, we recommend that Council approve the Notice of Completion for the project, which is attached. Once signed and returned to GHD, the Notice of Completion will be filed with the Humboldt County Recorder. The final payment (the 5% retention) can be released to Ford Logging 35 days after the Notice of Completion is filed.

If you have any questions please do not hesitate to contact me.

Sincerely,
GHD Inc.

A handwritten signature in black ink, appearing to read "Josh Wolf".

Josh Wolf, PE
Resident Engineer
707-267-2264

When recorded, return to:

GHD
718 Third Street
Eureka, CA 95501

OFFICIAL BUSINESS: Exempt from Recording Fees Pursuant to California Government code 27383.

NOTICE OF COMPLETION

NOTICE IS HEREBY GIVEN THAT:

1. On the 10th day of October, 2012, the project known as:
Trinidad Main Street & Trinity Street Gateway TE/HR3 Project was completed.
2. The project is located in the City of Trinidad, County of Humboldt, State of California.
3. The name and address of the party filing this Notice is:
City of Trinidad,
409 Trinity Street
P.O. Box 390
Trinidad, CA 95570
4. The name and address of the Contractor responsible for the construction of said project is:
Ford Logging dba Pacific Earthscape,
P.O. Box 2192
McKinleyville, CA 95519
5. The general description of the public project was: street and pedestrian improvements, including but not limited to construction of new blubouts, crosswalks, curbs, gutters, sidewalks, curb ramps, traffic signs, pavement striping and markings, landscaping, irrigation systems, storm drainage facilities, street light, temporary traffic control, water pollution control, and other related work, as set forth on the project Plans and Specifications.
6. The original contract amount was: \$ 305,850.00

Recording of this document is requested for City of Trinidad and on behalf of the City of Trinidad, a Municipal Corporation, under Section 6103 of the Government Code.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Karen Suiker, City Manager

Dated: _____, 2012

ATTEST: _____
Gabe Adams, City Clerk



CHANGE ORDER

Project Trinidad Gateway TE/HR3 Project Owner City of Trinidad
Contractor Ford Logging dba Pacific Earthscape Contract Change Order No. 10
Engineer Josh Wolf, PE Date August 9, 2012

At the request of the Owner, the following changes shall be made to the work being completed to the project:

Retrofit Storm Drain Junction Box – Contractor shall retrofit the existing storm drain junction box located in the sidewalk on the west side of Trinity Street in front of the elementary school (near Station 10+55), in order to allow sidewalk to be reconstructed with 2% maximum cross slope as required to comply with ADA requirements.

Contractor shall sawcut to remove top portion of existing junction box. Drill and dowel #4 rebar 6" into existing junction box wall to secure new concrete to existing, and reset the existing frame and cover to new finished grade.

Steel Bollard and Sleeve – Contractor shall provide and install a galvanized removable steel pipe bollard with sleeve in the concrete curb located directly behind the sidewalk on the north side of Main Street near the Trinidad Trading Company (approximate Station 16+75). The bollard is needed to protect a planter area that was previously behind and protected by a raised curb, but as a result of ADA requirements and project improvements, will now be located behind a drop curb at a driveway.

Relocate Sculpture Footing – The City requested that the Contractor adjust the location of the sculpture footing to be located in the tear drop landscaping area on the north side of Main Street, between Patrick's Point Drive and the Highway 101 southbound off ramp. The sculpture footing shall be moved approximately 8 feet northwest of the location shown on the project plans. Relocating the footing is being paid as extra work as the footing forms and bolts were installed and ready for concrete when the City directed the change.

Sidewalk Repair – Contractor shall remove and repair two sections of sidewalk (approximately 2'x2') just north of the Trinidad Elementary School driveway in order to comply with ADA requirements. One of the locations has a hole in the sidewalk as a result of the removal of a street light that was previously located in the sidewalk. The other location appears to have differential settlement resulting in an uneven surface. Both sections shall be removed and replaced with a 4-inch thick section of concrete.



Following is a description of the extra work to be completed on agreed unit prices:

Increase in contract items @ agreed unit prices:

<u>Bid Item No.</u>	<u>Description</u>	<u>Quantity</u>	<u>Units</u>	<u>Unit Cost</u>	<u>Subtotal</u>
NA	Retrofit Storm Drain Junction Box	1	LS	\$ 300.00	\$ 300.00
NA	Provide Steel Bollard and Sleeve	1	LS	\$ 300.00	\$ 300.00
NA	Relocate Sculpture Footing	1	LS	\$ 200.00	\$ 200.00
NA	Sidewalk Repair	1	LS	\$ 700.00	\$ 700.00

The total increase for this change is \$ 1,500.00

<u>ADJUSTMENT OF CONTRACT SUM</u>		<u>ADJUSTMENT OF CONTRACT TIME</u> <u>(WORKING DAYS)</u>	
Original Contract Sum	\$ 305,850.00	Original Contract Time	35
Prior Adjustments	\$ 68,740.90	Prior Adjustments	18
Contract Sum Prior to this Change	\$ 374,590.90	Contract Time Prior to this Change	53
Adjustment for this Change	\$ 1,500.00	Adjustment for this Change	1
Revised Contract Sum	\$ 376,090.90	Revised Contract Time	54

CONTRACTOR WAIVES ANY CLAIM FOR FURTHER ADJUSTMENTS FOR THE CONTRACT SUM AND THE CONTRACT TIME RELATED TO THE ABOVE DESCRIBED CHANGE IN THE WORK.

ENGINEER

RECOMMENDED BY:

DATE:

8/9/12

GHD Inc.

CONTRACTOR

ACCEPTED BY:

DATE:

8-16-12

Ford Logging dba Pacific Earthscape

OWNER

APPROVED BY:

DATE:

8/21/2012

City of Trinidad City Manager



CHANGE ORDER

Project Trinidad Gateway TE/HR3 Project Owner City of Trinidad
Contractor Ford Logging dba Pacific Earthscape Contract Change Order No. 11
Engineer Josh Wolf, PE Date August 16, 2012

At the request of the Owner, the following changes shall be made to the work being completed to the project:

Provide two (2) new road signs on posts per plans. Sign shall be 12" x 18" and shall read "No Stopping 2 to 4 pm School Days" with arrows pointing to each other, as shown on attached figure. Signs shall be installed behind the sidewalk in front of the Trinidad Elementary School, and set at 30-45 degree angles to the road. The engineer will mark location of new signs in field.

Contractor shall remove the two existing no parking signs and posts, sawcut out section of existing sidewalk around existing post, and patch the sidewalk with 4" thick section of concrete.

Following is a description of the extra work to be completed on contract unit prices:

Increase in contract items @ contract unit prices:

<u>Bid Item No.</u>	<u>Description</u>	<u>Quantity</u>	<u>Units</u>	<u>Unit Cost</u>	<u>Subtotal</u>
32	Roadside Sign, 1-Post	2	EA	\$ 500.00	\$ 1,000.00

Following is a description of the extra work to be completed on agreed unit prices:

Increase in contract items @ agreed unit prices:

<u>Bid Item No.</u>	<u>Description</u>	<u>Quantity</u>	<u>Units</u>	<u>Unit Cost</u>	<u>Subtotal</u>
N/A	Sign Removal and Sidewalk Patch	1	LS	\$ 750.00	\$ 750.00

The total increase for this change is \$ 1,750.00 .

<u>ADJUSTMENT OF CONTRACT SUM</u>		<u>ADJUSTMENT OF CONTRACT TIME (WORKING DAYS)</u>	
Original Contract Sum	\$ 305,850.00	Original Contract Time	35
Prior Adjustments	\$ 70,240.90	Prior Adjustments	19
Contract Sum Prior to this Change	\$ 376,090.90	Contract Time Prior to this Change	54
Adjustment for this Change	\$ 1,750.00	Adjustment for this Change	12
Revised Contract Sum	\$ 377,840.90	Revised Contract Time	66

CONTRACTOR WAIVERS ANY CLAIM FOR FURTHER ADJUSTMENTS FOR THE CONTRACT SUM AND THE CONTRACT TIME RELATED TO THE ABOVE --DESCRIBED CHANGE IN THE WORK.



ENGINEER

RECOMMENDED BY:

DATE:

8/16/12

GHD Inc.

CONTRACTOR

ACCEPTED BY:

DATE:

8.16.12

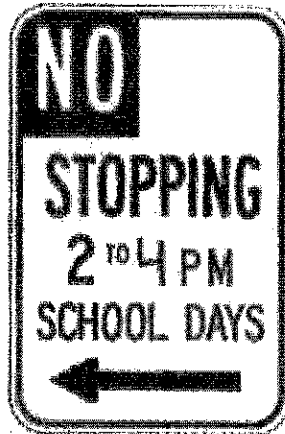
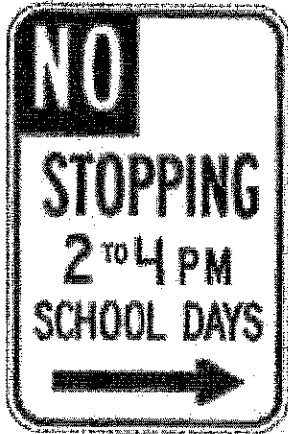
Ford Logging dba Pacific Earthscape

OWNER

APPROVED BY:

DATE:

Karen Secher 8/21/2012
City of Trinidad City Manager





CHANGE ORDER

Project Trinidad Gateway TE/HR3 Project Owner City of Trinidad
Contractor Ford Logging dba Pacific Earthscape Contract Change Order No. 12
Engineer Josh Wolf, PE Date September 4, 2012

At the request of the Owner, the following changes shall be made to the work being completed to the project:

Provide automated drip irrigation systems for landscape bulb-out planter areas at: (1) Main Street at Stagecoach Road, (2) Main Street between Stagecoach Road and Ocean Avenue, (3) Main Street at Ocean Avenue, (4) Main Street at View Avenue, and (5) Main Street at Patrick's Point Drive.

Drip irrigation systems shall be connected to the irrigation hose bibs already installed as part of the project, and shall include, but are not limited to: ¾" and ½" poly pipe drip lines, netafim inline drip hoses, emitters, landscape stakes, connections, filters, and battery operated timers installed below ground in plastic utility boxes. Work also includes providing up to four maintenance checks of the system to review operability and make adjustments as needed. Contractor is responsible for providing a complete and working system. Contractor shall guarantee system for one-year from the date of final acceptance.

Following is a description of the extra work to be completed on agreed unit prices:

Increase in contract items @ agreed unit prices:

<u>Bid Item No.</u>	<u>Description</u>	<u>Quantity</u>	<u>Units</u>	<u>Unit Cost</u>	<u>Subtotal</u>
N/A	Drip Irrigation Systems	1	LS	\$ 6,741.00	\$ 6,741.00

The total increase for this change is \$ 6,741.00.

ADJUSTMENT OF CONTRACT SUM		ADJUSTMENT OF CONTRACT TIME (WORKING DAYS)	
Original Contract Sum	\$ 305,850.00	Original Contract Time	35
Prior Adjustments	\$ 71,990.90	Prior Adjustments	31
Contract Sum Prior to this Change	\$ 377,840.90	Contract Time Prior to this Change	66
Adjustment for this Change	\$ 6,741.00	Adjustment for this Change	15
Revised Contract Sum	\$ 384,581.90	Revised Contract Time	81

CONTRACTOR WAIVERS ANY CLAIM FOR FURTHER ADJUSTMENTS FOR THE CONTRACT SUM AND THE CONTRACT TIME RELATED TO THE ABOVE—DESCRIBED CHANGE IN THE WORK.



ENGINEER

RECOMMENDED BY:

DATE:

9/4/12

GHD Inc.

CONTRACTOR

ACCEPTED BY:

DATE:

9/4/12

Ford Logging and Pacific Earthscape

OWNER

APPROVED BY:

DATE:

9-5-2012

Karen Suckin
City of Trinidad City Manager



CHANGE ORDER

Project Trinidad Gateway TE/HR3 Project Owner City of Trinidad
Contractor Ford Logging dba Pacific Earthscape Contract Change Order No. 13
Engineer Josh Wolf, PE Date September 26, 2012

At the request of the Owner, the following changes shall be made to the work being completed to the project:

Apply non-slip coating to galvanized steel diamond plate cover that was installed on the existing drainage junction box as part of the project. Junction box is located on the south side of Westhaven Drive near the Highway 101 northbound off-ramp. Coating shall be Rust-Oleum Anti-Slip Enamel or Anti-Slip Additive with Topside Paint (color shall be clear), or equal.

Following is a description of the extra work to be completed on agreed unit prices:

Increase in contract items @ agreed unit prices:

<u>Bid Item No.</u>	<u>Description</u>	<u>Quantity</u>	<u>Units</u>	<u>Unit Cost</u>	<u>Subtotal</u>
N/A	Apply Non-Slip Coating to Drainage Junction Box Cover	1	LS	\$ 200.00	\$ 200.00

The total increase for this change is \$ 200.00.

ADJUSTMENT OF CONTRACT SUM		ADJUSTMENT OF CONTRACT TIME (WORKING DAYS)	
Original Contract Sum	\$ 305,850.00	Original Contract Time	35
Prior Adjustments	\$ 78,731.90	Prior Adjustments	46
Contract Sum Prior to this Change	\$ 384,581.90	Contract Time Prior to this Change	81
Adjustment for this Change	\$ 200.00	Adjustment for this Change	1
Revised Contract Sum	\$ 384,781.90	Revised Contract Time	82

CONTRACTOR WAIVERS ANY CLAIM FOR FURTHER ADJUSTMENTS FOR THE CONTRACT SUM AND THE CONTRACT TIME RELATED TO THE ABOVE -DESCRIBED CHANGE IN THE WORK.



ENGINEER

RECOMMENDED BY:

A handwritten signature in black ink, appearing to be "A. M. W. S.", written over a horizontal line.

GHD Inc.

DATE:

9/26/12

CONTRACTOR

ACCEPTED BY:

DATE:

Ford Logging dba Pacific Earthscape

OWNER

APPROVED BY:

DATE:

City of Trinidad City Manager



CHANGE ORDER

Project Trinidad Gateway TE/HR3 Project Owner City of Trinidad
Contractor Ford Logging dba Pacific Earthscape Contract Change Order No. 14
Engineer Josh Wolf, PE Date October 2, 2012

At the request of the Owner, the following changes shall be made to the contract:

The contract amount shall be adjusted so that the final total contract amount matches the total amount based on actual quantities of work completed on project. No additional work is authorized with this change order.

Following is a description of the final adjustment to be made to the contract price:

Increase in contract items @ agreed unit prices:

Bid Item No.	Description	Quantity	Units	Unit Cost	Subtotal
N/A	Final Contract Adjustment	1	LS	\$ 12,229.10	\$ 12,229.10

The total increase for this change is \$ 12,229.10.

ADJUSTMENT OF CONTRACT SUM		ADJUSTMENT OF CONTRACT TIME (WORKING DAYS)	
Original Contract Sum	\$ 305,850.00	Original Contract Time	35
Prior Adjustments	\$ 78,931.90	Prior Adjustments	47
Contract Sum Prior to this Change	\$ 384,781.90	Contract Time Prior to this Change	82
Adjustment for this Change	\$ 12,229.10	Adjustment for this Change	0
Revised Contract Sum	\$ 397,011.00	Revised Contract Time	82

CONTRACTOR WAIVERS ANY CLAIM FOR FURTHER ADJUSTMENTS FOR THE CONTRACT SUM AND THE CONTRACT TIME RELATED TO THE ABOVE -DESCRIBED CHANGE IN THE WORK.

ENGINEER

RECOMMENDED BY:

DATE:

10/2/12

GHD Inc.

CONTRACTOR

ACCEPTED BY:

DATE:

OWNER

APPROVED BY:

DATE:

Ford Logging dba Pacific Earthscape

City of Trinidad City Manager



CONSENT AGENDA ITEM 5

SUPPORTING DOCUMENTATION FOLLOWS WITH: 8 PAGES

5. Authorize City Manager to Sign Contract for Service with LACO for the Luffenholtz Creek Sediment Reduction Project

CONSENT AGENDA ITEM

Date: October 10, 2012

**Item: AUTHORIZE CITY MANAGER TO SIGN A
CONTRACT FOR SERVICE WITH LACO FOR THE
LUFFENHOLTZ CREEK SEDIMENT REDUCTION PROJECT**

Background: In June 2012, the city council authorized the City Manager to sign a Proposition 50 Funding Letter of Commitment (LOC) for the Luffenholtz Creek Sediment Reduction Project. This project will improve water quality at the City's water intake by reducing turbidity due to high sediment concentrations in Luffenholtz Creek through treatments of unpaved roads on Green Diamond Resource Company land in the upper watershed. The LOC secures funding from the California Department of Public Health (CDPH) Prop 50 Source Water Protection Grant Program. The City must complete the project design, CEQA equivalent process, and bid preparation within six months in order to receive a Funding Agreement from CDPH.

The council approved scopes of service for GHD and RCAA at the September council meeting, and authorized staff to negotiate a scope of service for geotechnical and survey work. Staff has negotiated contracts for services with LACO and Associates to complete geotechnical investigations and survey work needed to complete the project design by December 2012. The LACO agreement is for \$24,200. The cost for this scope will be reimbursed by the Prop 50 Source Water Protection funding from CDPH, assuming that a final funding agreement is executed. While GHD and RCAA are proceeding on the planning and design work at their own cost with reimbursement only if the funding agreement is executed, LACO has not been involved in the project to date and cannot be held to the same payment provisions. The risk of a funding agreement not being executed is low given the investment of time and effort on the part of the other project partners.

Staff Recommendation:

1) Authorize City Manager to sign the contract for services with LACO and Associates for the Luffenholtz Creek Sediment Reduction Project (GDRCo Road Realignment).

Attachments: LACO Contract for Services

LETTER OF TRANSMITTAL

TO: City of Trinidad DATE: October 4, 2012
409 Trinity Street JOB NO.: 7674.00
Trinidad, California 95570 PROJECT: GDRCo Road Realignment
 ATTN: _____

TRANSMITTED BY: ☒ Email ☐ Delivered In Person ☐ Fax

No. Copies	Description
<u>1</u>	<u>1. Engineering Service Agreement</u>
_____	_____

REMARKS: For the Service Agreement, please sign and date the third page, initial the
General Conditions pages to follow on the line next to 'CLIENT' at bottom
right, and return to LACO Associates (LACO) as soon as possible. We will need
to receive the signed agreement before we can begin work on your project.
We will mail you a copy of the agreement once it has been signed by LACO.
Thank you.

THIS MATERIAL SENT FOR: ☐ As Requested ☐ Information
☒ Approval ☒ Signature

CC: _____ By: Taylor Christensen
 Taylor Christensen for Bryan Dussell

21 W. 4th Street, Eureka, California 95501 707 443-5054 Fax 707 443-0553
 311 S. Main Street, Ukiah, California 95482 707 462-0222 Fax 707 462-0223
 3450 Regional Parkway, Suite B2, Santa Rosa, California 95403 707 525-1222

ENGINEERING SERVICE AGREEMENT for Survey and Engineering Geology/Geotechnical Services

City of Trinidad, referred to as "CLIENT", requests, and LACO Associates, referred to as "LACO" agree to provide engineering services for the following project:

Project Name: City of Trinidad: Green Diamond Road Realignment

Project Location: Trinidad, California

Description and Scope of Services to be Provided

Project Understanding

The City of Trinidad has retained an engineering firm (GHD) to design improvements to selected forest roads on Green Diamond Resource Company (GDRCo) property within the Luffenholtz Creek watershed. We understand the proposed improvements will include the following:

- 1) Realignment of approximately 1,000 feet of road CR-1300
- 2) Realignment of approximately 2,700 feet of road CR-1000 plus construction of one bridge crossing and one culvert crossing
- 3) Construction of a bridge crossing at road point RP231

We understand that GDRCo staff will identify the routes and clear brush along the P-lines (centerline) of the proposed realignments described above. We further understand that backhoe or drill rig access to the proposed bridge and culvert crossings is not feasible. With this consideration, LACO has been requested to provide qualitative geotechnical recommendations based on limited subsurface exploration utilizing hand tools. In our judgment, the primary geotechnical risk is settlement (total and differential) due to broad assumptions about the foundation bearing soils.

Based on the information present to LACO by GHD and our understanding of the project, LACO proposes the following scope of services:

Scope of Services

CR-1300 Realignment (approximately 1,000 feet of road)

Engineering Geologic Reconnaissance

- Provide engineering geologic reconnaissance of the alignment to identify potential areas of instability which may require site specific design mitigation. Reconnaissance will be limited to 30 feet each side of centerline.

Survey

- Survey cross sections of P-Line at 50-foot intervals. Cross section width will be 30 feet each side of centerline and collect additional features as necessary to create a topographic map at a 2-foot contour interval.
- Horizontal and vertical datums will be assumed.

CR-1000 Realignment (approximately 2,700 feet of road)

Engineering Geology/Geotechnical Reconnaissance

- Provide engineering geologic reconnaissance of the alignment to identify potential areas of instability which may require site specific design mitigation. Reconnaissance will be limited to 30 feet each side of centerline.
- Provide focused engineering geologic and geotechnical exploration of the proposed bridge and culvert crossings. The focused exploration will utilize hand tools to characterize and describe soils within 10 feet of the ground surface. If soil conditions preclude the use of hand tools, soils will be characterized based on visible surface exposures. The intent of the focused exploration will be to identify potential engineering geologic/geotechnical constraints and provide design recommendations to mitigate identified constraints. Design recommendations will also include allowable bearing capacity based on visual description of soils and code values.

LACO

Survey

- Survey cross sections of P-Line at 50-foot intervals. Cross section width will be 30 feet each side of centerline.
- Creek crossings will be surveyed 100-feet upstream and downstream of road alignment with channel thalweg point shots at all high and low points in channel, not to exceed a point shot every 10 to 15 feet.
- Collect additional features as necessary to create a topographic map at a 2-foot contour interval.
- Horizontal and vertical datums will be assumed.

Road Point RP231

Engineering Geology/Geotechnical Reconnaissance

- Provide focused engineering geologic and geotechnical exploration of the proposed bridge crossing. The focused exploration will utilize hand tools to characterize and describe soils within 10 feet of the ground surface. If soil conditions preclude the use of hand tools, soils will be characterized based on visible surface exposures. The intent of the focused exploration will be to identify potential engineering geologic/geotechnical constraints and provide design recommendations to mitigate identified constraints. Design recommendations will also include allowable bearing capacity based on visual description of soils and code values.

Survey

- Road alignment will be surveyed 50 feet each side of bridge, and 30 feet each side of centerline.
- Creek crossing will be surveyed 100-feet upstream and downstream of road alignment with channel thalweg point shots at all high and low points in channel, not to exceed a point shot every 10 to 15 feet.
- Collect additional features as necessary to create a topographic map at a 2-foot contour interval.
- Horizontal and vertical datums will be assumed.

Project Management and Coordination

- Provide project management and coordination of the geologic/geotechnical and survey services being provided to Client, manage and coordinate project schedule, budget, and scope of LACO services pertaining to the signed agreement with Client.

Deliverables

- An Engineering Geologic/Geotechnical report documenting the results of the reconnaissance and providing site specific recommendation to mitigate identified engineering geologic/geotechnical hazards. The report will also include recommended bearing values for design of the proposed bridge abutments using shallow spread footings.
- Topographic maps of each survey area will be provided in both hard copy and AutoCAD Civil 3D version 2010.

Estimated Fees

Task 1 - Engineering Geology/Geotechnical Exploration and Memo	\$5,000
Task 2 - Survey	\$18,200
Task 3 - Project Management and Coordination	\$1,000
Total of Budget Estimate	\$24,200

Special Conditions and / or Assumptions

- LACO will be provided free and clear access to the site for the purposes of completing our scope of service described above.
- Permitting (if any) that are necessary to complete the proposed survey and geotechnical services will be obtained by others.
- LACO assumes 16 man hours of fieldwork to complete the engineering geologic/geotechnical fieldwork and 56 man hours of fieldwork for a 2-man survey crew.
- Prevailing wages have been assumed for fieldwork.
- The proposed bridges will be constructed within dirt/gravel roads and the design team can accept the risk of settlement of the abutments associated with utilizing hand tools for geotechnical exploration and potentially developing bearing values based on assumed subsurface conditions.

LACO

Insurance Requirements

- LACO will provide the CLIENT the required evidence of insurance as specified in attached Insurance Requirements

Estimated Date of Completion

- October 29, 2012

Prevailing Wage rates **do** apply to this project.

Payment Terms: Net 45

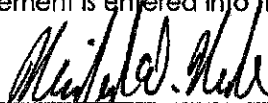
CLIENT agrees to pay at the hourly rates and to pay all other costs for the work or portion of work performed as set forth in the "SCHEDULE OF RATES" attached and made a part of this Agreement. The time and material based estimated fee is: **\$24,200 not to exceed without prior written authorization**

A retainer of 50 percent of the estimated fee is **\$waived**.

This agreement includes the following attachments: GEO GENERAL CONDITIONS, labeled GEO2007, Schedule of Rates, insurance requirements, and others (if any) noted above.

This agreement is entered into this 2nd day of October, 2012, Eureka, Humboldt County, California.

SIGNED



LACO Associates
PO Box 1023
Eureka, CA 95502
(707) 443-5054
(707) 443-0553 Fx
Principal: Christopher J. Watt
PM: Bryan E. Dussell

SIGNED _____

DATE _____

CLIENT: City of Trinidad

Address: PO Box 390
Trinidad, California 95570

Phone No.: (707) 677-0223

Fax No.: (707) 677-3759

Email: rpricehall@trinidad.ca.gov

RECEIVED ON ACCOUNT _____

GEO GENERAL CONDITIONS

LACO will perform only those services outlined in the agreed scope of work, except that CLIENT and LACO may subsequently agree in writing to provide for additional services to be rendered under this agreement for additional, negotiated compensation. The above scope of work represents the minimum program at this time. As the results of records search or other investigations or tests become known, other tests and/or sampling may be recommended to the CLIENT for written approval as Additional Services.

Invoices may be submitted to CLIENT as frequently as every four (4) weeks and/or upon completion of the work and are due and payable within 45 days of receipt of invoice. All accounts not paid in full within agreed payment terms will include a late payment charge from the date of the invoice, at the rate of 1.5% per month. If legal action is instituted on this account, the prevailing party shall be awarded such attorney's fees and other costs as the Court may adjudge to be reasonable.

If CLIENT for any reason fails to pay the undisputed portion of LACO's invoices fifteen (15) days after invoice due date, LACO has the right to cease work on the project, and CLIENT agrees to waive any claim against LACO for cessation of services, and shall defend and indemnify LACO from and against any claims for injury or loss stemming from LACO's cessation of service. CLIENT agrees to pay LACO the cost associated with premature project demobilization.

In the event any bill or portion thereof is disputed by CLIENT, CLIENT shall notify LACO within 30 days of receipt of the bill in question, and CLIENT and LACO shall work together to resolve the matter within sixty (60) days of its being called to the attention of LACO. If resolution of the matter is not attained within sixty (60) days, either party may terminate this Agreement in accordance with condition contained herein.

LACO agrees to strive to perform the services set forth in this Agreement in accordance with generally accepted professional practices, in the same or similar localities, related to the nature of the work accomplished, at the time the services are performed. LACO's services shall not be subject to any expressed or implied warranties whatsoever.

LACO's services shall not include directly or indirectly storing, arranging for or actually transporting, disposing, treating or monitoring hazardous substances, hazardous materials, hazardous wastes or hazardous oils, except for delivery of samples to a laboratory. Unless specifically listed in the Proposal or Scope of Work, services exclude testing for the presence of asbestos, polychlorinated biphenyls (PCBs), radon gas, or any airborne pollutants.

CLIENT recognizes that subsurface conditions may vary from those observed at locations where borings, surveys, or explorations are made, and that site conditions may change with time. Data interpretations, and recommendations by LACO will be based solely on information available to LACO. LACO is responsible for these data, interpretations, recommendations, but will not accept responsibility for other parties' interpretations or use of the information developed. Because geologic and soil formations are inherently random, variable, and indeterminate in nature, the professional services rendered by LACO, and opinions provided with respect to such services under this Agreement (including opinions regarding potential cleanup costs), are not guaranteed to be representative of actual site conditions or contamination or costs, which are subject to change with time as a result of natural or man-made processes.

The CLIENT shall provide all information in its possession, custody, or control which relates to the site, its present and prior uses, or to activities at the site which may bear upon the services of LACO under this Agreement. LACO may rely on the completeness and accuracy of information supplied by CLIENT without further verification.

LACO agrees to indemnify, defend and hold harmless, the City, its officers, officials, employees and volunteers from any and all claims, demands, costs or liability to the extent caused by the negligence, recklessness or willful misconduct of LACO and its agents in the performance of services under this contract, but this indemnity does not apply to liability for damages for bodily injury, property damage or other loss, arising from the sole negligence, active negligence or willful misconduct by the City, its officers, official employees, and volunteers.

As respects all acts or omissions which do not arise directly out of the performance of professional services, including but not limited to those acts or omissions normally covered by general and automobile liability insurance, LACO agrees to indemnify, defend and hold harmless the City, its officers officials, employees and volunteers for and against any claim, demands, losses, liability of any kind or nature arising out of or in connection with LACO's performance or failure to perform under the terms of this contract, excepting those which arise out of the active negligence, sole negligence or willful misconduct of the City.

LACO's scope of work does not include the investigation or detection of the presence of any Biological Pollutants in or around any structure. CLIENT agrees that LACO will have no liability for any claim regarding bodily injury or property damage alleged to arise from or be caused by the presence of or exposure to any Biological Pollutants in or around any structure. In addition, CLIENT will defend, indemnify, and hold harmless LACO from any third party claim for damages alleged to arise from or be caused by the presence of or exposure to any Biological Pollutants in or around any structure, except for damages arising from or caused by LACO's sole negligence. The term "Biological Pollutants" includes, but is not limited to, molds, fungi, spores, bacteria, and viruses, and the byproducts of any such biological organisms.

To the fullest extent permitted by law, CLIENT agrees to defend, indemnify, and hold LACO, its agents, subcontractors, and employees harmless from and against any and all claims, defense costs, including attorney's fees, damages, and other liabilities arising out of or in any way related to LACO's reports or recommendations concerning this Agreement, LACO's presence on the project property, or the presence, release, or threatened release of asbestos, hazardous substances, or pollutants on or from the project property; provided that CLIENT shall not indemnify LACO against liability for damages to the extent caused by the negligence or intentional misconduct of LACO, its agents, subcontractors, or employees.

Project No. 7674.00

Initials: LACO _____ CLIENT _____
GEO2007

Revised per City of Trinidad, October 4, 2012

CLIENT waives any claim against LACO and agrees to defend, indemnify and hold LACO harmless for injury or loss which may arise as a result of (1) alleged cross-contamination of aquifers caused by sampling, (2) release of pollutants to the environment, (3) drill cuttings, fluids or other presumed hazardous materials being left on-site after containerization by LACO, (4) containing, labeling, transporting, testing, storing, or other handling of contaminated samples, (5) any work, error, omission or negligent act performed by contractors or others under not complete and direct supervision by LACO for the specific task concerned.

CLIENT is responsible for accurately delineating the locations of all underground structures and utilities. LACO will take reasonable precautions to avoid known subterranean structures, and CLIENT agrees to defend, indemnify and hold LACO harmless from any claim or liability for injury or loss, including costs of defense, arising from damage done to subterranean structures and utilities not identified or accurately located.

In the absence of special arrangements, all uncontaminated samples of soil or rocks will be disposed of by LACO sixty (60) days after submission of our report. Soil, water, rock and/or other waste materials generated during work on the project site shall remain the sole property and responsibility of CLIENT. It is CLIENT's sole responsibility to arrange for lawful disposal of all waste materials. Soil, water, rock and/or other waste materials generated during LACO's work efforts on behalf of the CLIENT which may be contaminated with hazardous or toxic materials or potentially hazardous or toxic materials will be containerized on the site in approved containers at such times as they may be generated. Such materials may be required by law to be characterized and disposed of within a limited time frame. Arranging for disposal of hazardous or toxic materials or potentially hazardous or toxic materials is specifically excluded from the scope of LACO's services. Upon written request from the CLIENT, LACO may assist in coordinating or facilitating lawful disposal procedures by an appropriately-licensed contractor employed by the CLIENT. Regardless of any coordination or facilitation of disposal of hazardous or toxic materials or potentially hazardous or toxic materials by LACO on behalf of the CLIENT, CLIENT agrees to indemnify and hold harmless LACO from any claim of liability for injury, loss or environmental damage, including cost of defense, arising from any disposal of hazardous or toxic materials or potentially hazardous or toxic materials.

All laboratory and field equipment contaminated with suspected or potentially toxic or hazardous substances in performing our services will be cleaned at CLIENT's expense. Contaminated consumables will be disposed of and replaced at CLIENT's expense. Equipment (including tools) which cannot be reasonably decontaminated shall become the property and responsibility of the CLIENT. All such equipment shall be delivered to the CLIENT or disposed of in a manner similar to that indicated for hazardous samples. CLIENT agrees to pay the fair market value of any such equipment which cannot reasonably be decontaminated.

CLIENT has relied on LACO's judgement in establishing the workscope and fee for this project, given the project's nature and risks. CLIENT shall, therefore, rely on LACO's judgement as to the continued adequacy of this Agreement in light of occurrences or discoveries not originally contemplated or known. Should LACO call for contract renegotiation, LACO shall identify the changed conditions which, in LACO's judgement make such renegotiation necessary, and LACO and CLIENT shall promptly and in good faith enter into renegotiation of this Agreement to help permit LACO to continue to meet CLIENT's needs. If renegotiated terms cannot be agreed to, CLIENT agrees that LACO has an absolute right to terminate this Agreement.

LACO and CLIENT agree that discovery of unanticipated hazardous or toxic materials constitutes a changed condition mandating renegotiation or termination of services. LACO agrees to notify CLIENT as soon as practically possible should unanticipated hazardous materials or suspected hazardous or toxic materials be encountered. CLIENT agrees to make any disclosures required by law to the appropriate governmental agencies. CLIENT and LACO also agree that discovery of hazardous materials may make it necessary for LACO to take immediate action to protect health and safety. CLIENT agrees to compensate LACO for all costs required for such action and other costs incident to such unanticipated discovery of hazardous or toxic materials.

CLIENT agrees that construction contractors, subcontractors or others not affiliated with LACO are solely responsible for safety at and near the project site. LACO will have no responsibility or liability for methods of work performance, supervision including selection of equipment, selection or direction of contractor's employees, or sequencing of construction other than that done by LACO's own employees. LACO will not be responsible for excavation safety, temporary slopes, shoring, underpinning, dewatering, or other construction activities of the contractor(s) and subcontractor(s).

Unless otherwise agreed, CLIENT will furnish to LACO, its agents, representatives and subcontractors right-of-entry on land for planned field operations. CLIENT will notify any and all possessors of the project site that the CLIENT has granted LACO free access to the site. LACO will take reasonable precautions to minimize damage to the site, but it is understood by CLIENT that, in the normal course of work, some damage may occur and the correction of such damage is not part of the Agreement unless so specified in the proposal or scope of work.

All documents, reports, boring logs, field and survey notes, tracings, and other documents prepared by LACO as instruments of service shall remain the property of LACO. All designs, information, reports, or recommendations prepared or issued by LACO are for the sole use of the CLIENT for the specific project for which they are prepared. CLIENT agrees not to provide such materials to any person or organization unless the person or organization agrees in writing to be bound by the conditions of this Agreement. CLIENT agrees to save and hold LACO harmless from any liability arising from any use made by CLIENT or any other party outside the intent of this Agreement.

All claims, disputes, and other matters in controversy between LACO and CLIENT arising out of or in any way related to this Agreement will be submitted to "alternative dispute resolution" (ADR) before and as a condition precedent to other remedies provided by law. If and to the extent that CLIENT and LACO have agreed on methods for resolving such disputes, then such methods will be set forth in the "Alternative Dispute Resolution Agreement" which, if attached, is incorporated into and made a part of this Agreement. If no specific ADR procedures are set forth in this Agreement, then it shall be understood that the parties will submit disputes to mediation as a condition precedent to litigation.

Project No. 7674.00

Initials: LACO _____ CLIENT _____
GEO2007

Revised per City of Trinidad, October 4, 2012

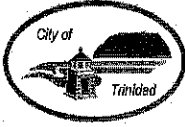
If a dispute at law arises from matters related to the services provided under this Agreement and that dispute requires litigation instead of ADR as provided above, then: (1) the claim will be brought and tried in the judicial jurisdiction of the Court of the county where LACO's principal place of business is located and CLIENT waives the right to remove the action to any other county or judicial jurisdiction, and (2) the prevailing party will be entitled to recovery of all reasonable costs incurred, including staff time, Court costs, attorney's fees, and other claim related expenses.

This Agreement may be terminated by either party upon ten (10) days written notice by certified mail, return receipt requested. If CLIENT elects to terminate this Agreement, CLIENT will be responsible for all charges, as computed under this Agreement, for work performed by LACO through the tenth day after mailing of the notice of termination.

The laws of the State of California will govern the validity of the terms, their interpretation and performance. If any of the provisions contained in this Agreement are held illegal, invalid, or unenforceable, the enforceability of the remaining provisions will not be impaired. Limitations of liability and indemnities will survive termination of this Agreement for any cause.

Project No. 7674.00

Initials: LACO _____ CLIENT _____
GEO2007



DISCUSSION AGENDA ITEM 1

SUPPORTING DOCUMENTATION FOLLOWS WITH: 22 PAGES

1. Disussion/Decision regarding Ordinance 2012-04; Adopting the Updated Building Department Fee Schedule.

DISCUSSION/ACTION AGENDA ITEM

Date: October 10, 2012

Item: Ordinance to Adopt Building Department Fee Schedule

Background: The City's Municipal Code Section 15.04.260 provides that building department fees are as set forth in the current adopted building codes. Those codes provide for a fee base on valuation with a 2% modifier for our area. There are no itemized fees for smaller jobs such as siding, window replacement, roof repair, except for the valuation submitted by the permit applicant that can widely vary from one project to another for the same amount or type of work. The building code gives authority to the City to establish a fee schedule of its own.

A schedule of fees is proposed based on the County of Humboldt's format. This would establish a comprehensive set of fees that allow the fees to be more consistent and fair. Automatic fee increases would no longer automatically apply, and modifications or changes would require specific action by the Council. Larger projects such as new homes or high valuation projects would enjoy a stabilized fee rate for building projects including mechanical, plumbing and electrical work. The fee schedule provides many unit values for determining valuation in lieu of contractor's bid listing, which can vary from job to job and contractor to contractor. The proposed schedule provides consistency and lower valuations on items such as siding, roofing, windows and foundations.

This fee schedule is based on that in use by the County of Humboldt, and has also been adopted by the City of Blue Lake and is working well. For example, a roofing permit in Blue Lake can be from \$62 to \$200 depending on the extent of the project, where in the City of Trinidad roofing permits typically cost \$250 or more. The proposed fees also provide for cost recovery fees to be collected when a project must be referred for evaluation and input from other agencies or departments, such as Planning.

Proposed Action:

Consider Ordinance 2012-04 Adopting Building Department Fee Schedule

Attachments:

Proposed Ordinance 2012-04

Proposed Schedule of Fees, Building Inspection Services

TRINIDAD CITY HALL
P.O. BOX 390
409 Trinity Street
Trinidad, CA 95570
(707) 677-0223

KATHY BHARDWAJ, MAYOR
GABRIEL ADAMS, CITY CLERK



ORDINANCE NO. 2012-04

AN ORDINANCE OF THE CITY OF TRINIDAD AMENDING SECTION 15.04.260 OF THE MUNICIPAL CODE AND ANY OTHER ORDINANCES, RESOLUTIONS, OR PARTS OF ORDINANCES OR RESOLUTIONS THAT ARE IN CONFLICT WITH THE SCHEDULE OF FEES FOR BUILDING INSPECTION SERVICES

WHEREAS, be it ordained by the Trinidad City Council as follows:

Section 1. Section 15.04.260 of the Trinidad Municipal Code is amended to read as follows:

15.04.260 Building Permit Fees: Fees for permits and inspection are to be required of any person when required by the appropriate adopted code. Any person required to obtain a permit or a combination of any such permits shall at the time of filing an application therefore pay to the city building inspector the fee set forth in the attached Schedule of Fees for Building Inspection Services.

PASSED AND ADOPTED by the Trinidad City Council on this 10th day of October, by the following vote:

Ayes:
Noes:
Absent:
Abstain:

Attest:

Gabriel Adams
Trinidad City Clerk

Kathy Bhardwaj
Mayor

CITY OF TRINIDAD

SCHEDULE OF FEES - BUILDING INSPECTION SERVICES

SERVICES	FEE
Site	\$ 50.00
Health and Safety	\$ 85.00
Business License	\$ 85.00
Planning Referral	\$ 85.00
Agricultural Exemption - Processing Fee	\$ 85.00
Building Permits	See Page 3
Plan Check	See Page 3
Energy Plan Check (amount added to original plan check fee)	\$ 61.25
Commercial Energy Plan Check (amount added to original plan check fee)	\$ 122.50
Erosion and Sediment Control Inspection (Small Project)	\$ 93.75
Erosion and Sediment Control Inspection (Designed)	\$ 127.50
Seismic Fee - Required by State Law to fund seismic mapping and strong motion instrumentation programs.	See Pages 10,11
California Building Standards Commission Fee - Required by State Law for expenditures to carry out provisions of State Building Standards Law and provisions of State Housing Law relating to building standards	See Page 12
Soils Report Compliance Fee	\$ 50.00
Agency Review	\$ 75.00
HCD Form 433A - Process and Filing	\$ 93.75
Refunds: The Building Official may authorize the refund of permit and plan check fees in accordance with the provisions of the Building Code.	No refund less than \$50
Code Enforcement Assessment	Actual cost at fully burdened hourly rate
Special Services*	
*Special Service Fees are charged for administrative services for special notifications, investigations, examinations or evaluations not otherwise provided for in the fee schedule or not generally provided when processing projects and for special legislative or judicative services for private projects.	Actual cost at fully burdened hourly rate

UNIT VALUATION SCHEDULE
(NO PERMIT TO BE ISSUED WITH TOTAL FEE LESS THAN \$50.00)

TYPE OF BUILDING	AMOUNT PER SQUARE FT	
RESIDENCE or RESIDENTIAL ADDITION	\$ 101.95	
GARAGE (Residential Accessory)	\$ 39.61	
CARPORT (Residential Accessory)	\$ 23.77	
ENCLOSED PORCH (Residential)		
Interior Finished	\$ 25.00	
Interior Unfinished	\$ 15.00	
SUNROOM/SOLARIUM		
Attached to Residence, Floor and Open to Residence	\$ 101.95	
Attached to Residence, Floor and Door Between Rooms	\$ 101.95	
BASEMENT (Semi-Finished)	\$ 18.80	
ROOF-LINE CHANGE (Residential)	\$ 8.00	
INTERIOR REMODEL (Residential)		
Kitchen or Bath	\$ 33.00	
All Other Areas	\$ 25.00	
PRE-ASSEMBLED HOUSING (Per Unit{s} Square Footage)	\$ 16.85	
Foundation Only for existing manufactured home (Per Unit{s} Square Footage)	\$ 11.25	
Setup Only (for new manufactured home not placed on foundation system)	\$ 5.60	
CABANA FOR Manufactured Home(s)	\$ 68.34	
DECKS, PATIOS, PORCHES		
Open and Uncovered	\$ 10.00	
Covered	\$ 14.00	
STORAGE BUILDING or BARN (PRIVATE)	\$ 39.61	
POLE BUILDINGS		
Exterior Walls and Floor	\$ 14.00	
Exterior Walls and No Floor	\$ 10.00	
No Exterior Walls, No Floor	\$ 8.00	
FOUNDATION ONLY	\$ 11.25	
SWIMMING POOL	\$ 5.00	Cu Ft
FUEL and WATER STORAGE TANKS (Above Ground)	\$ 6.00	Cu Ft
RETAINING WALLS		
Pressure Treated Poles and Planks	\$ 6.00	
Concrete or Block	\$ 6.00	
Hilfiker	\$ 30.00	
GABION WALLS	\$ 100.00	Cu Yd
WHARF or DOCK Non-Commercial	\$ 14.00	
WHARF or DOCK Commerical Installations Based on Contract Price		
SIDING	\$ 2.50	
DRYWALL	\$ 0.75	
INSULATION	\$ 0.50	
WALLS (Framing)	\$ 6.00	Ln Ft
SPRINKLER SYSTEM (Commercial)	\$ 1.80	
GREENHOUSES		
Private, Detached, No Floor	\$ 4.50	
Attached to Residence, No Floor, With or Without Doors	\$ 6.50	
Commercial **Minimum**	\$ 6.85	
ROOFING		
Residential (Based on Contract Price or Based on Roof Area)	\$ 1.00	
Commercial (Based on Contract Price)		
DEMOLITION		
Residential (Per Structure)	\$ 75.00	
Commercial (Based on Contract Price) **Minimum Fee**	\$ 75.00	
SIGNS and BILLBOARDS (Note: Based on Contract Price) **Minimum Fee**	\$ 50.00	
FENCES (Greater than Six Feet {6'} in Height)	\$ 12.00	Ln Ft

Building Valuation Data (continued)

accurate values for that purpose. However, the Square Foot Construction Costs table can be used to determine the cost of an addition that is basically a stand-alone building which happens to be attached to an existing building. In the case of such additions, the only alterations to the existing building would involve the attachment of the addition to the existing building and the openings between the addition and the existing building.

- For purposes of establishing the Permit Fee Multiplier, the estimated total annual construction value for a given time period

(1 year) is the sum of each building's value (Gross Area x Square Foot Construction Cost) for that time period (e.g., 1 year).

- The Square Foot Construction Cost does not include the price of the land on which the building is built. The Square Foot Construction Cost takes into account everything from foundation work to the roof structure and coverings but does not include the price of the land. The cost of the land does not affect the cost of related code enforcement activities and is not included in the Square Foot Construction Cost.

Square Foot Construction Costs^{a, b, c, d}

Group (2006 International Building Code)		Type of Construction								
		IA	IB	IIA	IIB	IIIA	IIIB	IV	VA	VB
A-1	Assembly, theaters, with stage	207.99	201.27	196.89	188.36	177.31	172.08	182.33	181.78	165.82
	Assembly, theaters, without stage	188.37	181.65	176.97	168.72	157.73	162.50	162.70	142.19	136.23
A-2	Assembly, nightclubs	160.35	155.84	151.87	146.10	137.40	133.56	140.99	124.59	120.41
A-2	Assembly, restaurants, bars, banquet halls	159.35	154.84	149.87	145.10	135.40	132.58	139.99	122.59	119.41
A-3	Assembly, churches	191.73	185.01	180.33	172.08	161.06	155.82	166.06	145.52	139.58
A-3	Assembly, general, community halls, libraries, museums	162.11	155.39	149.71	142.46	129.82	126.20	136.44	114.89	109.93
A-4	Assembly, arenas	187.37	180.65	174.97	167.72	155.73	151.50	161.70	140.19	135.23
B	Business	161.10	155.30	150.33	143.24	130.34	125.39	137.63	114.22	109.47
E	Educational	176.25	170.31	165.47	159.26	148.32	140.74	153.03	130.54	125.61
F-1	Factory and industrial, moderate hazard	97.68	93.20	87.88	84.96	76.10	72.71	81.54	62.67	59.24
F-2	Factory and industrial, low hazard	96.68	92.20	87.88	83.96	76.10	71.71	80.54	62.67	58.24
H-1	High Hazard, explosives	91.50	87.02	82.70	78.78	71.10	66.71	75.36	57.67	N.P.
H234	High Hazard	91.50	87.02	82.70	78.78	71.10	66.71	75.36	57.67	53.24
H-5	HPM	161.10	155.30	150.33	143.24	130.34	125.39	137.63	114.22	109.47
I-1	Institutional, supervised environment	161.32	155.78	151.61	145.46	135.81	132.09	146.81	122.94	118.11
I-2	Institutional, hospitals	271.13	265.33	260.35	253.27	239.63	N.P.	247.66	223.51	N.P.
I-2	Institutional, nursing homes	189.55	183.75	178.78	171.69	159.17	N.P.	166.08	143.05	N.P.
I-3	Institutional, restrained	185.16	179.37	174.39	167.30	155.68	149.72	161.69	139.55	132.80
I-4	Institutional, day care facilities	161.32	155.78	151.61	145.46	135.81	132.09	146.81	122.94	118.11
M	Mercantile	119.24	114.73	109.78	104.99	95.94	93.10	99.88	83.13	79.95
R-1	Residential, hotels	163.43	157.90	153.72	147.58	137.69	133.97	148.68	124.61	119.99
R-2	Residential, multiple family	136.97	131.44	127.28	121.11	111.35	107.63	122.34	98.47	93.65
R-3	Residential, one- and two-family	129.98	126.37	123.27	120.01	115.61	112.61	118.02	108.33	101.95
R-4	Residential, care/assisted living facilities	161.32	155.78	151.61	145.46	135.81	132.09	146.81	122.94	118.11
S-1	Storage, moderate hazard	90.50	86.02	80.70	77.78	69.10	65.71	74.36	55.67	52.24
S-2	Storage, low hazard	89.50	85.02	80.70	76.78	69.10	64.71	73.36	55.67	51.24
U	Utility, miscellaneous	69.10	65.83	61.44	58.37	52.71	49.14	55.08	41.61	39.61

a. Private Garages use Utility, miscellaneous

b. Unfinished basements (all use group) = \$15.00 per sq. ft.

c. For shell only buildings deduct 20 percent.

d. N.P. = not permitted

Electronic files of the latest Building Valuation Data can be downloaded from the Code Council website at www.iccsafe.org/cs/techservices

Building Permit Fee Schedule

Building Value	Fee	Building Value	Fee	Building Value	Fee	Building Value	Fee
1 - 500	\$23.50	40001 - 41000	\$552.85	94001 - 95000	\$958.75	148001 - 149000	\$1,262.15
501 - 600	\$26.55	41001 - 42000	\$562.95	95001 - 96000	\$965.75	149001 - 150000	\$1,273.75
601 - 700	\$29.60	42001 - 43000	\$573.05	96001 - 97000	\$972.75	150001 - 151000	\$1,279.35
701 - 800	\$32.65	43001 - 44000	\$583.15	97001 - 98000	\$979.75	151001 - 152000	\$1,284.95
801 - 900	\$35.70	44001 - 45000	\$593.25	98001 - 99000	\$986.75	152001 - 153000	\$1,290.55
901 - 1000	\$38.75	45001 - 46000	\$603.35	99001 - 100000	\$993.75	153001 - 154000	\$1,296.15
1001 - 1100	\$41.80	46001 - 47000	\$613.45	100001 - 101000	\$999.35	154001 - 155000	\$1,301.75
1101 - 1200	\$44.85	47001 - 48000	\$623.55	101001 - 102000	\$1,004.95	155001 - 156000	\$1,307.35
1201 - 1300	\$47.90	48001 - 49000	\$633.65	102001 - 103000	\$1,010.55	156001 - 157000	\$1,312.95
1301 - 1400	\$50.95	49001 - 50000	\$643.75	103001 - 104000	\$1,016.15	157001 - 158000	\$1,318.55
1401 - 1500	\$54.00	50001 - 51000	\$650.75	104001 - 105000	\$1,021.75	158001 - 159000	\$1,324.15
1501 - 1600	\$57.05	51001 - 52000	\$657.75	105001 - 106000	\$1,027.35	159001 - 160000	\$1,329.75
1601 - 1700	\$60.10	52001 - 53000	\$664.75	106001 - 107000	\$1,032.95	160001 - 161000	\$1,335.35
1701 - 1800	\$63.15	53001 - 54000	\$671.75	107001 - 108000	\$1,038.55	161001 - 162000	\$1,340.95
1801 - 1900	\$66.20	54001 - 55000	\$678.75	108001 - 109000	\$1,044.15	162001 - 163000	\$1,346.55
1901 - 2000	\$69.25	55001 - 56000	\$685.75	109001 - 110000	\$1,049.75	163001 - 164000	\$1,352.15
2001 - 3000	\$83.25	56001 - 57000	\$692.75	110001 - 111000	\$1,055.35	164001 - 165000	\$1,357.75
3001 - 4000	\$97.25	57001 - 58000	\$699.75	111001 - 112000	\$1,060.95	165001 - 166000	\$1,363.35
4001 - 5000	\$111.25	58001 - 59000	\$706.75	112001 - 113000	\$1,066.55	166001 - 167000	\$1,368.95
5001 - 6000	\$125.25	59001 - 60000	\$713.75	113001 - 114000	\$1,072.15	167001 - 168000	\$1,374.55
6001 - 7000	\$139.25	60001 - 61000	\$720.75	114001 - 115000	\$1,077.75	168001 - 169000	\$1,380.15
7001 - 8000	\$153.25	61001 - 62000	\$727.75	115001 - 116000	\$1,083.35	169001 - 170000	\$1,385.75
8001 - 9000	\$167.25	62001 - 63000	\$734.75	116001 - 117000	\$1,088.95	170001 - 171000	\$1,391.35
9001 - 10000	\$181.25	63001 - 64000	\$741.75	117001 - 118000	\$1,094.55	171001 - 172000	\$1,396.95
10001 - 11000	\$195.25	64001 - 65000	\$748.75	118001 - 119000	\$1,100.15	172001 - 173000	\$1,402.55
11001 - 12000	\$209.25	65001 - 66000	\$755.75	119001 - 120000	\$1,105.75	173001 - 174000	\$1,408.15
12001 - 13000	\$223.25	66001 - 67000	\$762.75	120001 - 121000	\$1,111.35	174001 - 175000	\$1,413.75
13001 - 14000	\$237.25	67001 - 68000	\$769.75	121001 - 122000	\$1,116.95	175001 - 176000	\$1,419.35
14001 - 15000	\$251.25	68001 - 69000	\$776.75	122001 - 123000	\$1,122.55	176001 - 177000	\$1,424.95
15001 - 16000	\$265.25	69001 - 70000	\$783.75	123001 - 124000	\$1,128.15	177001 - 178000	\$1,430.55
16001 - 17000	\$279.25	70001 - 71000	\$790.75	124001 - 125000	\$1,133.75	178001 - 179000	\$1,436.15
17001 - 18000	\$293.25	71001 - 72000	\$797.75	125001 - 126000	\$1,139.35	179001 - 180000	\$1,441.75
18001 - 19000	\$307.25	72001 - 73000	\$804.75	126001 - 127000	\$1,144.95	180001 - 181000	\$1,447.35
19001 - 20000	\$321.25	73001 - 74000	\$811.75	127001 - 128000	\$1,150.55	181001 - 182000	\$1,452.95
20001 - 21000	\$335.25	74001 - 75000	\$818.75	128001 - 129000	\$1,156.15	182001 - 183000	\$1,458.55
21001 - 22000	\$349.25	75001 - 76000	\$825.75	129001 - 130000	\$1,161.75	183001 - 184000	\$1,464.15
22001 - 23000	\$363.25	76001 - 77000	\$832.75	130001 - 131000	\$1,167.35	184001 - 185000	\$1,469.75
23001 - 24000	\$377.25	77001 - 78000	\$839.75	131001 - 132000	\$1,172.95	185001 - 186000	\$1,475.35
24001 - 25000	\$391.25	78001 - 79000	\$846.75	132001 - 133000	\$1,178.55	186001 - 187000	\$1,480.95
25001 - 26000	\$401.35	79001 - 80000	\$853.75	133001 - 134000	\$1,184.15	187001 - 188000	\$1,486.55
26001 - 27000	\$411.45	80001 - 81000	\$860.75	134001 - 135000	\$1,189.75	188001 - 189000	\$1,492.15
27001 - 28000	\$421.55	81001 - 82000	\$867.75	135001 - 136000	\$1,195.35	189001 - 190000	\$1,497.75
28001 - 29000	\$431.65	82001 - 83000	\$874.75	136001 - 137000	\$1,200.95	190001 - 191000	\$1,503.35
29001 - 30000	\$441.75	83001 - 84000	\$881.75	137001 - 138000	\$1,206.55	191001 - 192000	\$1,508.95
30001 - 31000	\$451.85	84001 - 85000	\$888.75	138001 - 139000	\$1,212.15	192001 - 193000	\$1,514.55
31001 - 32000	\$461.95	85001 - 86000	\$895.75	139001 - 140000	\$1,217.75	193001 - 194000	\$1,520.15
32001 - 33000	\$472.05	86001 - 87000	\$902.75	140001 - 141000	\$1,223.35	194001 - 195000	\$1,525.75
33001 - 34000	\$482.15	87001 - 88000	\$909.75	141001 - 142000	\$1,228.95	195001 - 196000	\$1,531.35
34001 - 35000	\$492.25	88001 - 89000	\$916.75	142001 - 143000	\$1,234.55	196001 - 197000	\$1,536.95
35001 - 36000	\$502.35	89001 - 90000	\$923.75	143001 - 144000	\$1,240.15	197001 - 198000	\$1,542.55
36001 - 37000	\$512.45	90001 - 91000	\$930.75	144001 - 145000	\$1,245.75	198001 - 199000	\$1,548.15
37001 - 38000	\$522.55	91001 - 92000	\$937.75	145001 - 146000	\$1,251.35	199001 - 200000	\$1,553.75
38001 - 39000	\$532.65	92001 - 93000	\$944.75	146001 - 147000	\$1,256.95	200001 - 201000	\$1,559.35
39001 - 40000	\$542.75	93001 - 94000	\$951.75	147001 - 148000	\$1,262.55	201001 - 202000	\$1,564.95

Building Valuation Data

The International Code Council is pleased to provide the following Building Valuation Data (BVD) for its members. The BVD will be updated and printed at six-month intervals, with the next update in August 2009. ICC strongly recommends that all jurisdictions and other interested parties actively evaluate and assess the impact of this BVD table before utilizing it in their current code enforcement related activities.

The BVD table provides the "average" construction costs per square foot, which can be used in determining permit fees for a jurisdiction. Permit fee schedules are addressed in Section 108.2 of the 2006 *International Building Code (IBC)* whereas Section 108.3 addresses building permit valuations. The permit fees can be established by using the BVD table and a Permit Fee Multiplier, which is based on the total construction value within the jurisdiction for the past year. The Square Foot Construction Cost table presents factors that reflect relative value of one construction classification/occupancy group to another so that more expensive construction is assessed greater permit fees than less expensive construction.

ICC has developed this data to aid jurisdictions in determining permit fees. It is important to note that while this BVD table does determine an estimated value of a building (i.e., Gross Area x Square Foot Construction Cost), this data is only intended to assist jurisdictions in determining their permit fees. This data table is not intended to be used as an estimating guide because the data only reflects average costs and is not representative of specific construction.

This degree of precision is sufficient for the intended purpose, which is to help establish permit fees so as to fund code compliance activities. This BVD table provides jurisdictions with a simplified way to determine the estimated value of a building that does not rely on the permit applicant to determine the cost of construction. Therefore, the bidding process for a particular job and other associated factors do not affect the value of a building for determining the permit fee. Whether a specific project is bid at a cost above or below the computed value of construction does not affect the permit fee because the cost of related code enforcement activities is not directly affected by the bid process and results.

Building Valuation

The following building valuation data represents average valuations for most buildings. In conjunction with IBC Section 108.3, this data is offered as an aid for the building official to determine if the permit valuation is underestimated. Again it should be noted that, when using this data, these are "average" costs based on typical construction methods for each occupancy

group and type of construction. The average costs include foundation work, structural and nonstructural building components, electrical, plumbing, mechanical and interior finish material. The data is a national average and does not take into account any regional cost differences. To this end, the table containing the regional cost modifiers was last printed in the October 2003 issue and has been discontinued.

PERMIT FEE MULTIPLIER

Determine the Permit Fee Multiplier:

1. Based on historical records, determine the total annual construction value which has occurred within the jurisdiction for the past year.
2. Determine the percentage (%) of the building department budget expected to be provided by building permit revenue.

$$\text{Permit Fee Multiplier} = \frac{\text{Bldg. Dept. Budget} \times (\%)}{\text{Total Annual Construction Value}}$$

Example

The building department operates on a \$300,000 budget, and it expects to cover 75 percent of that from building permit fees. The total annual construction value which occurred within the jurisdiction in the previous year is \$30,000,000.

$$\text{Permit Fee Multiplier} = \frac{\$300,000 \times 75\%}{\$30,000,000} = 0.0075$$

PERMIT FEE

The permit fee is determined using the building gross area, the Square Foot Construction Cost and the Permit Fee Multiplier.

$$\text{Permit Fee} = \text{Gross Area} \times \text{Square Foot Construction Cost} \times \text{Permit Fee Multiplier}$$

Example

Type of Construction: IIB Area: 1st story = 8,000 sq. ft.
Height: 2 stories 2nd story = 8,000 sq. ft.

Permit Fee Multiplier = 0.0075

Use Group: B

1. Gross area:

Business = 2 stories x 8,000 sq. ft. = 16,000 sq. ft.

2. Square Foot Construction Cost:

B/IIB = \$143.24/sq. ft.

3. Permit Fee:

Business = 16,000 sq. ft. x \$143.24/sq. ft. x 0.0075 = \$17,188

Important Points

- In most cases the BVD does not apply to additions, alterations or repairs to existing buildings. Because the scope of alterations or repairs to an existing building varies so greatly, the Square Foot Construction Costs table does not reflect

BUILDING PERMIT AND PLAN REVIEW FEES

TOTAL VALUATION	FEES
\$1.00 to \$500	\$23.50
\$501 to \$2,000	\$23.50 for the first \$500.00 plus \$3.05 for each additional \$100.00 or fraction thereof, to and including \$2,000.00
\$2,001 to \$25,000	\$69.25 for the first \$2,000.00 plus \$14.00 for each additional \$1,000.00 or fraction thereof, to and including \$25,000.00
\$25,001 to \$50,000	\$391.25 for the first \$25,000.00 plus \$10.10 for each additional \$1,000.00 or fraction thereof, to and including \$50,000.00
\$50,001 to \$100,000	\$643.75 for the first \$50,000.00 plus \$7.00 for each additional \$1,000.00 or fraction thereof, to and including \$100,000.00
\$100,001 to \$500,000	\$993.75 for the first \$100,000.00 plus \$5.60 for each additional \$1,000.00 or fraction thereof, to and including \$500,000.00
\$500,001 to \$1,000,000	\$3,233.75 for the first \$500,000.00 plus \$4.75 for each additional \$1,000.00 or fraction thereof, to and including \$1,000,000.00
\$1,000,000 and up	\$5,608.75 for the first \$1,000,000.00 plus \$3.65 for each additional \$1,000.00 or fraction thereof

Plan review fee shall be 65% of the building permit fee as shown above

Other Inspections and Fees

1. Inspections for which no fee is specifically indicated (minumum charge 1/2 hour)	50.00*
2. For use of outside consultants for plan checking and inspections, or both	Actual costs**

* Or the total hourly cost to the jurisdiction, whichever is the greatest. This cost shall include supervision, overhead, equipment, hourly wages and fringe benefits of the employees involved.

** Actual costs include administrative and overhead costs.

ELECTRICAL PERMIT FEES

Permit Issuance	\$ 24.00	For the issuance of each electrical permit
Permit Issuance	\$ 8.50	For the issuance of each supplemental permit for which the original permit has not expired, been canceled or finalized

System Fee Schedule

Note: The following do not include permit issuance fee.

New Residential Buildings	(Note: The following fees shall include all wiring and electrical equipment in or on each building)	
Multi-family	\$ 0.07	For new multi-family buildings (apartments and condominiums) having three or more dwelling units constructed at the same time, not including the area of garages, carports and accessory buildings, per square foot (0.09m ²)
Single and Two-Family	\$ 0.076	For new single- and two-family residential buildings constructed at the same time and not including the area of garages, carports and accessory buildings per square foot (0.09m ²)
	NOTE:	For the rewiring of existing residential buildings, the appropriate per square foot fee only includes the wiring. All electrical equipment and devices other than receptacles, switches and lighting outlets shall be charged as specified in the Unit Fee Schedule.
	NOTE:	For other types of residential occupancies and for alterations, additions and modifications to existing residential buildings, use the Unit Fee Schedule.
Private Swimming Pools	\$ 75.50	For new private, in-ground swimming pools for single-family and multi-family occupancies including a complete system of necessary branch circuit wiring, bonding, grounding, underwater lighting, water pumping and other similar electrical equipment directly related to the operation of a swimming pool, each pool
Temporary Power Service	\$ 46.25	For a temporary service pole or pedestal including all pole or pedestal-mounted receptacle outlets and appurtenances, each
	\$ 31.50	For a temporary distribution system and temporary lighting and receptacle outlets for construction sites, decorative lights, Christmas tree sales lots, fireworks stands, etc, each

Unit Fee Schedule

(Note: The following do not include permit issuance fee)

Receptacle, Switch and Light Outlets	For receptacle, switch, light or other outlets at which current is used or controlled, except services, feeders and meters	
	\$ 1.75	First 20 fixtures, each
	\$ 1.15	Additional fixtures, each
Lighting Fixtures	For lighting fixtures, sockets or other lamp-holding devices	
	\$ 1.75	First 20 fixtures, each
	\$ 1.15	Additional fixtures, each
	\$ 1.75	Pole- or platform-mounted lighting fixtures, each
	\$ 1.75	Theatrical-type lighting fixtures or assemblies, each
Residential Appliances	\$ 6.25	For fixed residential appliances or receptacle outlets for same, including wall-mounted electric ovens, counter-mounted cooking tops, electric ranges, self-contained room, console or through-wall air conditioners, space heaters, food waste grinders, dishwashers, washing machines, water heaters, clothes dryers, or other motor-operated appliances not exceeding one horsepower (HP) (746 W) in rating, each
Note: For other types of air conditioners and other motor-driven appliances having larger electrical ratings, see Power Apparatus.		

ELECTRICAL PERMIT FEES

Non-Residential Appliances	\$ 7.25	For non-residential appliances and self-contained factory-wired, non-residential appliances not exceeding one horsepower (HP), kilowatt (kW) or kilovolt-ampere (kVA) in rating including medical and dental devices, food, beverage and ice cream cabinets, illuminated show cases, drinking fountains, vending machines, laundry machines or other similar types of equipment, each
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Note: For other types of air conditioners and other motor-driven appliances having larger electrical ratings, see Power Apparatus.

Power Apparatus	For motors, generators, transformers, rectifiers, synchronous converters, capacitors, industrial heating, air conditioners and heat pumps, cooking or baking equipment and other apparatus, as follows:	
	Rating in horsepower (HP), kilowatts (kW), kilovolt-amperes (kVA), or kilovolt-amperes-reactive (kVAR)	
	\$ 6.25	Up to and including 1, each
	\$ 16.00	Over 1 and not over 10, each
	\$ 26.25	Over 10 and not over 50, each
	\$ 63.00	Over 50 and not over 100 each
	\$ 95.50	Over 100, each

Note: 1) For equipment or appliances having more than one motor, transformer, heater, etc., the sum of the combined ratings may be used
2) These fees include all switches, circuit breakers, contactors, thermostats, relays and other directly related control equipment.

Signs, Outline Lighting and Marquees	\$ 37.50	For signs, outline lighting systems or marquees supplied from one branch circuit, each
	\$ 7.25	For additional branch circuits within the same sign, outline lighting system or marquee, each

Photovoltaic Systems	\$ 95.50	For each private photovoltaic system
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Services and Panel-Boards	\$ 46.25	For services of 600 volts or less and not over 200 amperes in rating, each
	\$ 94.25	For services of 600 volts or less and over 200 amperes to 1,000 amperes, each
	\$ 189.00	For services over 600 volts or over 1,000 amperes in rating, each
	\$ 24.00	For subpanels or panel-boards

Miscellaneous Apparatus, Conduits and Conductors	\$ 24.00	For electrical apparatus, conduits and conductors for which a permit is required but for which no fee is herein set forth
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Carnivals and Circuses	Carnivals, circuses or other traveling shows or exhibitions utilizing transportable-type rides, booths, displays and attractions	
	\$ 37.50	For electrical generators and electrically driven rides, each
	\$ 11.25	For mechanically driven rides and walk-through attractions or displays having electric lighting, each
	\$ 11.25	For a system of area and booth lighting, each

For permanently installed rides, booths, displays and attractions use the Unit Fee Schedule

Busways	\$ 11.25	For trolley and plug-in-type busways, each 100 feet (30,480 mm) or fraction thereof
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Note: An additional fee is required for lighting fixtures, motors and other appliances that are connected to trolley and plug-in-type busways. A fee is not required for portable tools.

Other Inspections and Fees	\$ 50.00	Inspections for which no fee is specifically indicated* *Or the total hourly cost to the jurisdiction, whichever is the greatest. This cost shall include supervision, overhead, equipment, hourly wages and fringe benefits of the employees involved.
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MECHANICAL PERMIT FEES

Permit Issuance	\$ 24.00	For the issuance of each mechanical permit
Permit Issuance	\$ 8.50	For the issuance of each supplemental permit for which the original permit has not expired, been canceled or finalized

Unit Fee Schedule *NOTE: The following do not include permit issuance fee.*

Furnaces	\$ 18.75	For the installation or relocation of each forced-air or gravity-type furnace or burner, including ducts and vents attached to such appliance, up to and including 100,000 Btu/h (29.3 kW)
	\$ 24.25	For the installation or relocation of each forced-air or gravity-type furnace or burner, including ducts and vents attached to such appliance, over 100,000 Btu/h (29.3 kW)
	\$ 18.75	For the installation or relocation of each floor furnace, including vent
	\$ 18.75	For the installation or relocation of each suspended heater, recessed wall heater or floor-mounted unit heater

Appliance Vents	\$ 9.25	For the installation, relocation or replacement of each appliance vent installed and not included in an appliance permit
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Repairs or Additions	\$ 18.50	For the repair of, alteration of or addition to each heating appliance, refrigeration unit, cooling unit, absorption unit, or each heating, cooling, absorption or evaporative cooling system, including installation of controls regulated by the Mechanical Code.
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Boilers, Compressors and Absorption Systems	\$ 18.75	For the installation or relocation of each boiler or compressor to and including three horsepower (10.6 kW), or each absorption system to and including 100,000 Btu/h (29.3 kW)
	\$ 35.00	For the installation or relocation of each boiler or compressor over three horsepower (10.6 kW) to and including 15 horsepower (52.7 kW), or each absorption system over 100,000 Btu/h (29.3 kW) to and including 500,000 Btu/h (146.6 kW)
	\$ 47.00	For the installation or relocation of each boiler or compressor over 15 horsepower (52.7 kW) to and including 30 horsepower (105.5 kW), or each absorption system over 500,000 Btu/h (146.6 kW) to and including 1,000,000 Btu/h (293.1 kW)
	\$ 70.50	For the installation or relocation of each boiler or compressor over 30 horsepower (105.5 kW) to and including 50 horsepower (176 kW), or each absorption system over 1,000,000 Btu/h (293.1 kW) to and including 1,750,000 Btu/h (512.9 kW)
	\$ 118.50	For the installation or relocation of each boiler or compressor over 50 horsepower (176 kW), or each absorption system over 1,750,000 Btu/h (512.9 kW)

Air Handlers	\$ 13.50	For each air-handling unit to and including 10,000 cubic feet per minute (cfm) (4,719 L/s), including ducts attached thereto
		Note: This fee does not apply to an air-handling unit which is a portion of a factory-assembled appliance, cooling unit, evaporative cooler or absorption unit for which a permit is required elsewhere in the Mechanical Code.
	\$ 24.00	For each air-handling unit over 10,000 cfm (4,719 L/s)

MECHANICAL PERMIT FEES

Evaporative Coolers	\$ 13.50	For each evaporative cooler other than portable type
Ventilation and Exhaust	\$ 9.25	For each ventilation fan connected to a single duct
	\$ 13.50	For each ventilation system which is not a portion of any heating or air-conditioning system authorized by a permit
	\$ 13.50	For the installation of each hood which is served by mechanical exhaust, including the ducts for such hood
Incinerators	\$ 27.50	For the installation or relocation of each domestic-type incinerator
	\$ 113.00	For the installation or relocation of each commercial or industrial-type incinerator
Miscellaneous	\$ 13.50	For each appliance or piece of equipment regulated by the Mechanical Code but not classed in other appliance categories, or for which no other fee is listed in the table
Other Inspections and Fees	\$ 50.00	Inspections for which no fee is specifically indicated* *Or the total hourly cost to the jurisdiction, whichever is the greatest. This cost shall include supervision, overhead, equipment, hourly wages and fringe benefits of the employees involved.

PLUMBING PERMIT FEES

Permit Issuance	\$ 24.00	For the issuance of each plumbing permit
Permit Issuance	\$ 8.50	For the issuance of each supplemental permit for which the original permit has not expired, been canceled or finalized

Unit Fee Schedule

Note: The following do not include permit issuance fee.

Fixtures and Vents	\$ 12.50	For each plumbing fixture or trap or set of fixtures on one trap (including water, drainage piping and backflow protection thereof)
	\$ 6.25	For repair or alteration of drainage or vent piping, each fixture

Sewers, Disposal Systems and Interceptors	\$ 31.50	For each building sewer and each trailer park sewer
	\$ 56.75	For each cesspool
	\$ 113.00	For each private sewage disposal system
	\$ 30.25	For each industrial waste pretreatment interceptor including its trap and vent, excepting kitchen-type grease interceptors functioning as fixture traps
	\$ 15.00	Rainwater systems, per drain (inside building)

Water Piping and Water Heaters	\$ 6.25	For installation, alteration or repair of water piping or water-treating equipment, or both, each
	\$ 16.25	For each water heater including vent

Note: For vents only, see Appliance Vents under Mechanical Permit fees.

Gas Piping Systems	\$ 7.25	For gas piping system of one to five outlets, each
	\$ 1.75	For additional outlets over five, each

Lawn Sprinklers, Vacuum Breakers and Backflow Devices	\$ 22.50	For each lawn sprinkler system on any one meter, including backflow protection devices therefore
	\$ 16.25	For atmospheric-type vacuum breakers or backflow protection devices not included above, one to five devices, each
	\$ 3.50	Over five devices, each
	\$ 16.25	For each backflow-protection device other than atmospheric-type vacuum breakers, 2 inches (50.8 mm) and smaller
	\$ 32.25	Over two inches (50.8 mm)

Swimming Pools	For each swimming pool or spa:	
	\$ 138.75	Public pool
	\$ 92.50	Public spa
	\$ 92.50	Private pool
	\$ 46.00	Private spa

Hydronic Heating Systems	\$ 37.50	For each hydronic heating system, including floor, wall and baseboard systems
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Miscellaneous	\$ 15.00	For each appliance or piece of equipment regulated by the Plumbing Code but not classed in other appliance categories, or for which no other fee is listed in this code
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Other Inspections and Fees	\$ 50.00	Inspections for which no fee is specifically indicated* *Or the total hourly cost to the jurisdiction, whichever is the greatest. This cost shall include supervision, overhead, equipment, hourly wages and fringe benefits of the employees involved.
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GRADING PLAN REVIEW FEES

Grading Plan Review Fee shall be 65% of Grading Permit Fee

Other Fees	\$ 50.00	Additional plan review required by changes, additions or revisions to plans for which an initial review has been completed* *Or the total hourly cost to the jurisdiction, whichever is the greatest. This cost shall include supervision, overhead, equipment, hourly wages and fringe benefits of the employees involved.
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Grading Permit Fees

\$ 37.50	50 cubic yards (38.2 m ³) or less
\$ 56.25	51 to 100 cubic yards (40 to 76.5 m ³)
	101 to 1,000 cubic yards (77.2 to 764.6 m ³)
\$ 56.25	for the first 100 cubic yards (76.5 m ³)
plus	\$26.25 for each additional 100 cubic yards (76.5 m ³) or fraction thereof
	1,001 to 10,000 cubic yards (765.3 to 7,645.5 m ³)
\$ 292.50	for the first 1,000 cubic yards (764.6 m ³)
plus	\$22.50 for each additional 1,000 cubic yards (764.6 m ³) or fraction thereof
	10,001 to 100,000 cubic yards (7,646.3 to 76,455 m ³)
\$ 495.00	for the first 10,000 cubic yards (7645.5 m ³)
plus	\$100.25 for each additional 10,000 cubic yards (7,645.5 m ³) or fraction thereof
	100,001 cubic yards (76,456m ³) or more
\$ 1,397.75	for the first 100,000 cubic yards (76,455 m ³)
plus	\$55.25 for each additional 10,000 cubic yards (7,645.5 m ³) or fraction thereof

Other Inspections and Fees	\$ 50.00	Inspections for which no fee is specifically indicated* *Or the total hourly cost to the jurisdiction, whichever is the greatest. This cost shall include supervision, overhead, equipment, hourly wages and fringe benefits of the employees involved.
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FEE SCHEDULE
Strong-Motion Instrumentation and Seismic Hazard Mapping Fee
Category 1 Construction (1 to 3 Story Residential)*

Method 1

The fee amount can be calculated from the permit valuation amount using the formula:
 (Valuation Amount) X 0.0001 = Fee amount
 As an example, the fee for a \$128,580 valuation is \$128,580 x 0.0001 or \$12.86

Method 2

As an alternative to Method 1, the fee for a given valuation can be calculated using the following table, as illustrated below:

Valuation	Fee	Valuation	Fee	Valuation	Fee	Valuation	Fee	Valuation	Fee
\$0-100	\$ 0.01	\$ 1,000.00	\$ 0.10	\$ 10,000.00	\$ 1.00	\$ 100,000.00	\$ 10.00	\$ 1,000,000.00	\$ 100.00
200	0.02	2,000	0.20	20,000	2.00	200,000	20.00	2,000,000	200.00
300	0.03	3,000	0.30	30,000	3.00	300,000	30.00	3,000,000	300.00
400	0.04	4,000	0.40	40,000	4.00	400,000	40.00	4,000,000	400.00
500	0.05	5,000	0.50	50,000	5.00	500,000	50.00	5,000,000	500.00
600	0.06	6,000	0.60	60,000	6.00	600,000	60.00	6,000,000	600.00
700	0.07	7,000	0.70	70,000	7.00	700,000	70.00	7,000,000	700.00
800	0.08	8,000	0.80	80,000	8.00	800,000	80.00	8,000,000	800.00
900	0.09	9,000	0.90	90,000	9.00	900,000	90.00	9,000,000	900.00

The fee amount can be obtained by breaking the evaluation amount into parts and using the entries in this table. An example for a permit valuation of \$128,580 is shown at the right:

\$100,000	\$10.00
20,000	2.00
8,000	0.80
500	0.05
80	0.01
<hr/> \$128,580.00	<hr/> \$12.86 Fee amount

***Notes:**

- 1) The minimum fee is \$.50, so the fee for any valuation up to \$5,000 is simply \$.50..
- 2) Category 1 construction includes residential buildings one to three stories in height, except hotels and motels. Single family houses, duplexes and quadruplexes are in Category 1. Condominiums and apartment buildings are in Category 1 only if they are three stories or less in height.
- 3) A "building" is defined as a structure built for the support, shelter or enclosure of people, animals or property.

FEE SCHEDULE

Strong-Motion Instrumentation and Seismic Hazard Mapping Fee

Category 2 Construction*

Method 1

The fee amount can be calculated from the permit valuation amount using the formula:

$$(\text{Valuation Amount}) \times 0.00021 = \text{Fee amount}$$

As an example, the fee for a \$1,231,890 valuation is $\$1,231,890 \times 0.00021$ or \$258.70

Method 2

As an alternative to Method 1, the fee for a given valuation can be calculated using the following table, as illustrated below:

Valuation	Fee	Valuation	Fee	Valuation	Fee	Valuation	Fee	Valuation	Fee
\$0-100	\$0.02	\$1,000	\$0.21	\$10,000	\$2.10	\$100,000	\$21.00	\$1,000,000	\$210.00
200	0.04	2,000	0.42	20,000	4.20	200,000	42.00	2,000,000	420.00
300	0.06	3,000	0.63	30,000	6.30	300,000	63.00	3,000,000	630.00
400	0.08	4,000	0.84	40,000	8.40	400,000	84.00	4,000,000	840.00
500	0.11	5,000	1.05	50,000	10.50	500,000	105.00	5,000,000	1050.00
600	0.13	6,000	1.26	60,000	12.60	600,000	126.00	6,000,000	1260.00
700	0.15	7,000	1.47	70,000	14.70	700,000	147.00	7,000,000	1470.00
800	0.17	8,000	1.68	80,000	16.80	800,000	168.00	8,000,000	1680.00
900	0.19	9,000	1.89	90,000	18.90	900,000	189.00	9,000,000	1890.00

The fee amount can be obtained by breaking the evaluation amount into parts and using the entries in this table. An example for a permit valuation of \$1,231,890 is shown at the right:

\$1,000,000	\$210.00
200,000	42.00
30,000	6.30
1,000	0.21
800	0.17
90	0.02
<hr/>	
\$1,231,890.00	\$258.70 Fee amount

*Notes:

- 1) The minimum fee is \$.50, so the fee for any valuation up to \$2,381 is simply \$.50..
- 2) Category 2 construction includes all buildings not in Category 1. For example, Category 2 includes residential buildings over 3 stories, all office buildings, warehouses, factories and other manufacturing or processing facilities, restaurants and other non-residential buildings.
- 3) A "building" is defined as a structure built for the support, shelter or enclosure of people, animals or property.

BUILDING STANDARDS COMMISSION

2525 Natomas Park Drive, Suite 130
Sacramento, California 95833
(916) 263-0916 FAX (916) 263-0969

**BUILDING STANDARDS BULLETIN 08-01****DATE: OCTOBER 30, 2008****TO: CITY, COUNTY, AND CITY AND COUNTY JURISDICTIONS****SUBJECT: Chapter 719, Statutes of 2008 (Senate Bill No. 1473, Calderon)**

On September 30th of this year Governor Schwarzenegger signed SB 1473 into law. It will take effect on January 1, 2009. Among other things, the bill provides for the creation of the Building Standards Administration Special Revolving Fund, which is established in the State Treasury. Moneys deposited in this fund will come from a surcharge on both residential and non-residential building permits.

The bill requires that each city, county, and city and county collect a fee from an applicant for a building permit, assessed at the rate of four dollars (\$4) per one hundred thousand dollars (\$100,000) in valuation, with appropriate fractions thereof, but not less than one dollar (\$1). "Appropriate fractions thereof" is interpreted to be \$1 per every twenty-five thousand (\$25,000) in valuation per table illustrated below. Fees will be submitted quarterly to the California Building Standards Commission (CBSC), as follows:

Permit Valuation	Fee
\$1 - 25,000	\$1
\$25,001 - 50,000	\$2
\$50,001 - 75,000	\$3
\$75,001 - 100,000	\$4
Every \$25,000 or fraction thereof above \$100,000	Add \$1

In addition, SB 1473 provides that the city, county, or city and county may retain up to ten (10) percent of the fees collected for related administrative costs and for code enforcement education. The bill requires that the local jurisdiction transmit the remainder to CBSC for deposit in the Building Standards Administration Special Revolving Fund.

Once appropriated, moneys deposited in this fund will be available to CBSC, the Department of Housing and Community Development, and the Office of the State Fire Marshal for expenditure in carrying out the provisions of the State Building Standards Law and provisions of State Housing Law that relate to building standards. Emphasis is to be placed on the development, adoption, publication, updating, and educational efforts associated with green building standards.

Notification that the first quarter's fees will be due on April 15, 2009, and a reporting form for the first quarter beginning January 1, 2009, and ending March 31, 2009, will be distributed to each city, county, and city and county, and placed on CBSC's website at www.bsc.ca.gov in the first part of 2009. If you have any questions concerning this bulletin, please contact Jane Taylor, Senior Architect, by telephone at (916) 263-0807, or via email at Jane.Taylor@dqs.ca.gov.

David Walls
Executive Director



DISCUSSION AGENDA ITEM 2

SUPPORTING DOCUMENTATION FOLLOWS WITH: 8 PAGES

2. Discussion/Decision regarding Wildfire Protection Contract with CalFire.

DISCUSSION/ACTION AGENDA ITEM

Date: October 10, 2012

Item: Wildfire Protection Contract with Cal Fire

Background:

For a number of years the City contracted annually with CDF (now Cal Fire) for wildfire protection services for 281 acres of wildland area within the City of Trinidad. The cost for fiscal year 2009-10 was \$5,963. Current costs for this same protection would be \$6,787 (based on \$21.66 per acre plus 11.51% administrative rate) This arrangement is similar in nature to an insurance policy to assure costs associated with wildland fire protection would be contained. In August, 2010, because there had been no wildfires started within the City limits, the City agreed to an arrangement whereby Cal Fire would charge the city for services that extend beyond normal mutual aid in lieu of pre-paying the annual amount. Those costs are defined as the cost for resources deployed for any incident exceeding four hours from time of dispatch to when resources are back in quarters.

Although there is little risk of a wildland fire, the costs associated with responding to a rapidly escalating incident could easily exceed the county's available reserve funds, and it is recommended the Council consider returning to the insurance-type of pre-payment to assure costs are contained.

The current agreement allows for a fifteen (15) day written notice of termination; however, addendum #1 to that agreement specifies a sixty (60) day written notice. It is uncertain as to which notice period would prevail since they were approved simultaneously.

Proposed Action:

1. Authorize the City Manager to give notice of termination of the agreement providing for reimbursement for wildland fire responses in favor of a pre-paid contract arrangement; and
2. Approve a \$6,787 increase in the fire department budget 401-75300 contracted services.

Attachments:

Current Agreement and Addendum #1 for Mutual Aid Fire Protection

AGREEMENT FOR MUTUAL AID FIRE PROTECTION

THIS AGREEMENT, made this 30 day of June, 20 10, by and between the State of California, hereinafter called STATE, and CITY OF TRINIDAD, hereinafter called LOCAL AGENCY, through its duly authorized officers.

WITNESSETH:

WHEREAS:

1. CITY OF TRINIDAD maintains and operates a fire protection organization in the area generally known as CITY; and
2. CDF maintains and operates a fire protection organization for the purpose of providing basic wildland fire protection to State Responsibility Area lands which are adjacent or proximate to the area protected by LOCAL AGENCY; and
3. It is the desire of the parties hereto to render aid, each to the other, to combat the effect of fire, when such aid is necessary as herein set forth; and
4. The parties hereto desire to affect the purpose of this agreement pursuant to the provisions of the "Joint Exercise of Power Act" (Gov. Code Section 6500-6547) and Health and Safety Code Section 13050.

NOW THEREFORE, the parties hereto mutually agree as follows:

1. To furnish fire protection personnel and equipment and to render such fire protection services to each other as may be necessary to suppress fire of a size beyond the control of either of the parties hereto acting without the assistance of the other and control of which therefore requires assistance from the other.
2. Such mutual aid shall be provided within LOCAL AGENCY jurisdiction, provided, however, that neither party shall be required to reduce its own fire protection resources, personnel, services, and facilities to the detriment of its normal fire protection capability.
3. No response to a mutual aid request provided for in this agreement will be made by the parties hereto unless such request is received through the established communication channels common to each party and made by a responsible fire official of the party requesting such aid.

4. That any mutual aid extended under this agreement will be extended with the express understanding that the fire official in charge (in whose jurisdiction a fire requiring mutual aid occurs) shall remain in charge at such incident including the direction of personnel and equipment provided through the operation of this mutual aid agreement.
5. Except as may be provided by separate agreement between the parties hereto, the assurance of mutual aid set forth herein shall constitute the sole consideration for the performance hereof and neither party shall be obligated to reimburse the other for any action taken or aid rendered hereunder, or for any use of material, damage to equipment, or liability incurred which may occur in the course of rendering the firefighting assistance herein provided for.
6. That certain specialized types of fire protection resources may not be made available subject to the provisions of this agreement, and that such resources will be available only on a reimbursement basis.
7. This agreement shall remain in full force and effect for a period of five (5) years from the date hereinabove written unless sooner terminated by either of the parties giving to the other fifteen (15) days written notice of such termination.
8. Addendum #1 has been added prior to execution.

IN WITNESS WHEREOF, THE PARTIES HERETO HAVE CAUSED THIS AGREEMENT TO BE EXECUTED AS OF THE DAY AND YEAR FIRST HEREINABOVE WRITTEN.

STATE OF CALIFORNIA

DEPARTMENT OF FORESTRY AND FIRE PROTECTION

By:

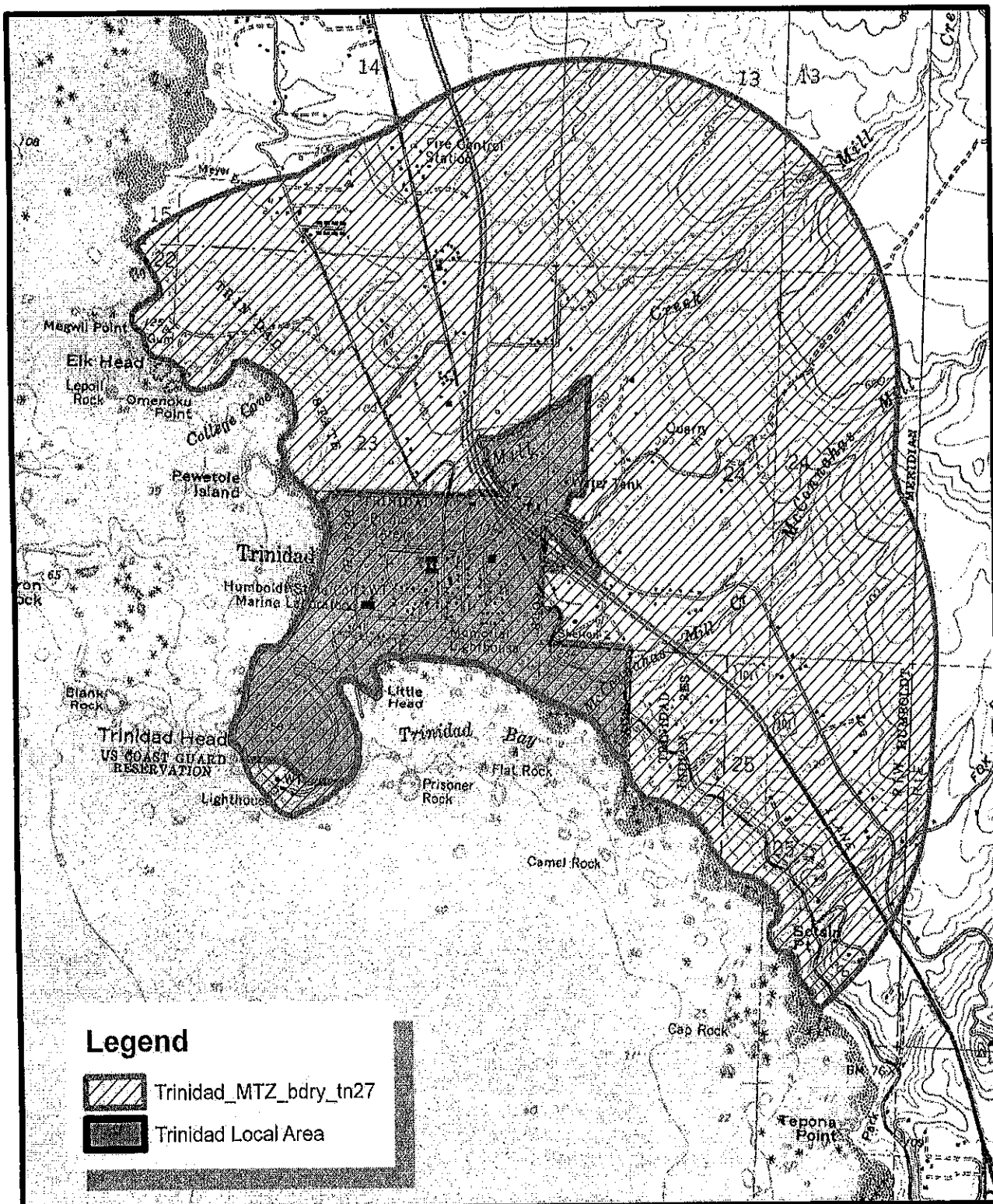
Michael Howe
(Signature)
Michael Howe
(Printed Name)
unit chief
(Title)
8-24-10
(Date)

By:

Stephen Albright
(Signature)
Stephen Albright
(Printed Name)
City Manager
(Title)
8/24/10
(Date)



Figure 1 - City of Trinidad Mutual Threat Zone



AGREEMENT FOR MUTUAL AID FIRE PROTECTION ADDENDUM #1
AUTOMATIC AID MUTUAL THREAT ZONE AGREEMENT
STATE OF CALIFORNIA
CALIFORNIA DEPARTMENT OF FORESTRY AND FIRE PROTECTION
AND
CITY OF TRINIDAD

This document serves as the Automatic Aid Agreement and Operating Plan between the State of California, California Department of Forestry and Fire Protection (CAL FIRE) and the City of Trinidad (CITY). This plan establishes a formal fire protection agreement for CAL FIRE and the CITY for wildland fire response within a common Mutual Threat Zone (MTZ). The intent is to include areas within and adjacent to the Trinidad City Local Responsibility Area (LRA) having potential for wildland fires that are located near State Responsibility Area (SRA) lands.

This Plan documents agreements to details regarding:

- A. Working relationships,
- B. Mutual Threat Zone Areas,
- C. Reimbursement,
- D. Billing Procedures
- E. Duration of Agreement

A. Working Relationships

The following is a list of the Agencies that are participating in this Automatic Aid Agreement and Operating Plan.

**State of California, California Department of Forestry and Fire Protection;
City of Trinidad.**

B. Mutual Threat Zone Areas

The CITY has areas of wildland that are within the Trinidad city limits, hence are Local Responsibility Areas. Wildland fires in these areas may pose a threat to SRA. Conversely; wildland fires within SRA may pose a threat to LRA values. The Mutual Threat Zone is defined as area within 1.0 miles either side of the City of Trinidad's LRA/SRA boundary which have the potential for wildland fire. This Automatic Aid Agreement is intended for mutual response for wildland fires within the MTZ. The CITY's LRA is wholly within a MTZ. This MTZ is mapped as Figure 1 – City of Trinidad Mutual Threat Zone area.

CALFIRE shall provide an automatic wildland fire protection response for SRA wildland fires within a MTZ. CALFIRE may provide an automatic wildland fire protection response for LRA wildland fires within a MTZ, as available. The response level will be based upon CALFIRE's standard dispatch procedures.

The CITY shall provide an automatic wildland fire response of law enforcement and fire personnel for fires within the LRA (city limits) within the MTZ. The CITY may provide

an automatic wildland fire response of law enforcement and fire personnel for fires within the SRA in the MTZ, as available.

The CITY shall notify CAL FIRE by May 1 each year of any requested changes in this Automatic Aid Agreement and Operating Plan. CAL FIRE shall notify the CITY of all responses within the MTZs within 24 hours by sending an email or facsimile notifying the City Manager's office of the incident(s). Immediate notification will be made through the Trinidad Police Department on a rapidly escalating incident. Only that information readily available at the time of notification is required.

C. Reimbursement

An agency shall be reimbursed for wildland fire responses in the Mutual Threat Zone that are outside their jurisdiction, pursuant to this Automatic Aid Agreement and Operating Plan.

For local government resources, reimbursement on SRA incidents will be guided by the current Local Government reimbursement rates. Local government resources will normally be considered operating under mutual aid agreements for the **first 2 hours** of any incident and **not be paid**. After 2 hours they may be switched to 'assistance by hire' status, which would be compensated starting at the time of the initial request and ending when resources are back in quarters.

For CALFIRE resources, reimbursement on LRA incidents will be as 'assistance by hire' status per current statewide rates. For short duration incidents of less than four hours from time of dispatch, CALFIRE overhead and fire engines will **not be paid**. All other resources will be charged from time of dispatch, if deployed. For incidents exceeding four hours, all CALFIRE resources deployed on the incident will be charged from time of dispatch and ending when resources are back in quarters. CALFIRE will not charge for dispatched resources that are not utilized on the incident.

D. Billing Procedures

On any incidents where costs are incurred pursuant to the terms of this agreement, the billing agency shall submit the final bill for reimbursement, in duplicate, as soon as possible, but no later than 6 months after the incident is controlled or project completed. This bill, identified by incident name and appropriate incident number, will be adequately documented. A separate bill will be submitted for each incident unless otherwise negotiated.

All bills and payments for services provided to or by the CITY shall be mailed to:
City of Trinidad
Attn: City Manager
PO Box 390
Trinidad, CA 95570-0390

All bills and payment for services provided to or by CALFIRE shall be mailed to:
CAL FIRE Humboldt-Del Norte Unit
Attn: Division Chief, Administration
118 Fortuna Blvd.
Fortuna, CA 95540

All bills will have a due date 60 days after the date of issuance. The CITY and CAL FIRE will meet every year by June 1st to review all invoices submitted the previous year. All unpaid invoices will be discussed and a reconciliation of any outstanding balances will be determined.

All parties agree not to bill for any actions authorized by this agreement where the total costs of services (not including any administrative charges) is less than one hundred dollars (\$100).


For reimbursement purposes, expenditures shall include both direct and administrative costs. The administrative charge used for all billings will be applied to all direct costs. All costs will be calculated using established agency procedures. The administrative rate is published annually in the California Fire Assistance Agreement annual rate letter.

E. Duration of Agreement

This agreement shall remain in effect for five years from the last signature date, unless terminated sooner. Any agency may terminate their participation in the Automatic Aid Agreement and Operating Plan by providing 60 days written notice to the other agencies.

IN WITNESS WHEREOF, the Agencies hereto have executed this Automatic Aid Mutual Threat Zone Agreement and Operating Plan as of the last date written below:

Humboldt – Del Norte Unit Chief
State of California
Department of Forestry and Fire Protection (CAL FIRE)

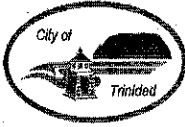

By: Mike Howe, Unit Chief

Date: 8-24-10

City Manager
City of Trinidad


By: Steve Albright, City Manager

Date: 8/25/10



DISCUSSION AGENDA ITEM 3

SUPPORTING DOCUMENTATION FOLLOWS WITH: 22 PAGES

3. Discussion/Decision regarding Request from CalFire to Connect to the City's Water System.

DISCUSSION/ACTION AGENDA ITEM

Date: October 10, 2012

Item: Consider approval for Cal Fire to connect to City's water system

Background: Cal Fire operates Trinidad Fire Station located outside of the city limits at 923 Patrick's Point Drive and has requested permission to connect to the City's water supply due to documented evidence of a history of coliform bacteria and fecal matter in the station's current water supply. Government Code Section 56133 (c) authorizes a city to provide extended services outside its jurisdictional boundaries ONLY if it first requests and receives written approval from the Local Area Formation Commission (LAFCo).

In May 2010 LAFCo considered such approval and authorized Cal Fire and the City of Trinidad to negotiate a plan for city water service exclusive to the Cal Fire Trinidad Station. LAFCo determined this proposed service request to be exempt from their out-of-area service policy (which requires annexation) pursuant to Government Code Section 56133 (e). This exemption allows contracts or agreements solely involving two or more public agencies at a level of service that is consistent with the service currently provided. An engineering analysis was conducted by Winzler & Kelly which determined that the City has sufficient water capacity to provide the fire station with their estimated demand (800 gallons/day).

The LAFCo authorizing Resolution 10-7 requires an environmental assessment of the proposed project and the ability for Cal Fire to assume all financial responsibility. If City approval to proceed is granted, Cal Fire will begin the process to secure necessary funding. This would include payment of a \$8,900 hook up to the city for a 1.5" line (size conditioned by LAFCo).

Approval of this connection would not set a precedent for future connections in that the exemption is applicable **solely** because of the public nature of the proposed project.

Proposed Action: Authorize Cal Fire to connect to the City's water system subject to successful negotiation of a services agreement, payment of any required fee(s) and assumption of all financial responsibility, as well as Cal Fire's ability to secure all necessary permits and rights of way.

Attachments:

August 7, 2012 e:mail from Battalion Chief Tim Nix

May 19, 2010 LAFCo Staff report

LAFCo Resolution 10-07

May 19, 2010 LAFCo Minutes

April 6, 2009 Engineering Analysis re Preliminary Feasibility of Connecting

Trinidad City Manager

From: Nix, Tom [Tom.Nix@fire.ca.gov]
Sent: Tuesday, August 07, 2012 11:45 AM
To: citymanager@trinidad.ca.gov
Subject: Cal Fire Request For Trinidad City Water Extension Agenda Item
Attachments: 4A May 19, 2010 Approved Minutes.pdf; May 19, 2010 Humboldt LAFCo Agenda Packet_0.pdf
Hello Karen,

Cal Fire operates Trinidad Fire Station located at 923 Patrick's Point Drive. The station houses two engines and provides year round fire service from McKinleyville to Orick. The station's current domestic water supply is drawn from a subsurface vault on Martin Creek which has a history of coli form bacteria and fecal matter. Cal Fire staff has spent significant time and effort treating the water to make it potable with little success. We have looked for other sites and even drilled a dry well. Firefighters at the station currently drink bottled water, prepare food, do dishes, and bathe with non potable water. We have had several instances of firefighters getting ill after ingesting the water even though we filter and treat it with chlorine.

To solve this problem Cal Fire is seeking a water line extension from the City of Trinidad to exclusively serve the Trinidad Cal Fire station at 923 Patrick's Point Drive. Since municipal service extensions are subject to LAFCo review Cal Fire needed to first gain approval from LAFCo before seeking an extension from the City. This included LAFCo looking into the feasibility of such a connection through a study completed by Winzler and Kelly. The study concluded that the City of Trinidad water system has the capacity to provide the fire station potable water and the estimated demand (800 gallon per day) is approximately 1% of the available capacity. In May 2010 LAFCo adopted Resolution 10-07 granting Cal Fire the authority to directly negotiate with the City of Trinidad to be a water purveyor to Cal Fire. Cal Fire will also be responsible for all studies, reviews, and costs for extending the water line and all future service costs associated with the service. If approved we will need to secure funding. I have attached the approved minutes from the LAFCO meeting where the action was taken. The engineering study is also included in the agenda packet. Please review it and forward the information to the Council Members and Mayor Bhardwaj. I am asking that after you return from vacation that you please move this issue forward to the City Council for discussion as an agenda item. Thank you very much for your effort and consideration.

Tom Nix
Battalion Chief - Redwood Creek Battalion
Humboldt Del Norte Unit

Cal Fire

707 677-9502 w
707 499-8699 c



ATTACHMENT 5A

CAL FIRE WATER SERVICE EXTENSION APPLICATION

MEETING DATE: May 19, 2010

TO: Humboldt Local Agency Formation Commission

FROM: George Williamson AICP, Executive Officer

SUBJECT: CAL FIRE Water Service Extension from the City of Trinidad Exclusively to the CAL FIRE Station for Health and Safety Reasons

Recommendation

That the Commission:

1. Consider approval of the California Department of Forestry and Fire Protection's (CAL FIRE's) application and the attached Resolution finding that a Cortese-Knox-Hertzberg Act, Section 56133 exemption is applicable for a water service extension from the City of Trinidad to serve the CAL FIRE Trinidad Station due to the Station's currently unsafe water supply.

Discussion

Humboldt LAFCo has received an application from the CAL FIRE for a water service extension from the City of Trinidad to exclusively serve the CAL FIRE Trinidad Station located at 923 Patrick's Point Drive. CAL FIRE has documented evidence that this service is needed due to the unsafe CAL FIRE water supply from Martin Creek, which currently serves the station. The Station is within the County Service Area Number Four (CSA4), which provides year-round fire service from McKinleyville to Orick, located approximately 1 mile beyond the City of Trinidad Sphere of Influence (SOI). This application was submitted to LAFCo to help determine the appropriate method for a service extension.

California Government Code Section 56133(c) states that "the Commission may authorize a city or district to provide new or extended services outside its jurisdictional boundaries *only* if it first requests and receives written approval from the Commission in the affected county". However, the Section contains the following exemption:

- (e) This section does not apply to contracts or agreements solely involving two or more public agencies where the public service to be provided is an alternative to, or substitute for, public services already being provided by an existing public service provider and where the level of service to be provided is consistent with the level of service contemplated by the existing service provider.*

Given subsection (e) above, and upon consultation with LAFCo Legal Counsel, staff has determined that the proposed project may be exempt from Government Code §56133 and as such, the proposed service extension may not require LAFCo approval. Staff feels that this



exemption is applicable because of the public nature of the proposed project and given that the Station will be served by the City of Trinidad, a public service provider. In addition, the public service to be provided is an alternative to, or substitute for, water service already being provided by CAL FIRE (a public service provider). Furthermore, the level of service to be provided is consistent with the level of service currently provided.

Note: To the best of staff's knowledge, this exemption has never been used in Humboldt County. The decision to apply this exemption to the proposed project is contingent upon the concurrence of the Commission.

Staff has determined that the most effective option to address this health and safety risk is to allow by exemption CALFIRE to enter into an agreement with the City of Trinidad for the provision of water exclusively to the CAL FIRE Trinidad Station, under Government Code §56133. This service extension would also include use of County road right of way for Patrick's Point Drive, for the potable water line. This use would be contingent on County Public Works review and approval of water supply construction plans.

This extension would be contingent upon water service from the City of Trinidad. CAL FIRE and the City would negotiate and enter into a service delivery and service rate agreement. CAL FIRE would be responsible for any service extension and future service delivery costs, as well as the delivery of all applicable monthly service fees directly to the City. The proposed action would not result in an additional district tax assessment, as all service delivery/fee negotiations will be the responsibility of CAL FIRE and the City.

CAL FIRE has expressed a desire to expedite the approval of the proposed service delivery due to State budget funding constraints. LAFCo staff requests that the Commission consider authorizing CALFIRE to enter into an agreement with the City of Trinidad for the provision of water exclusive to the CAL FIRE Trinidad Station, under Government Code §56133. Humboldt LAFCo staff has updated the CSA #4 Municipal Service Review (Attachment 5A) to include the proposed project and all related findings, as required by the Cortese-Knox Hertzberg Government Reorganization Act.

To determine water supply availability, LAFCo staff directed LAFCo's on-call engineer, Winzler and Kelly, to conduct a water availability evaluation (Attachment A). To address growth inducing issues, the study also assessed several potential water line sizes to serve the Station. The study found that the City of Trinidad has available supply, and that a 1" line would provide adequate service, without additional capacity that could be considered growth inducing. The attached Resolution (Resolution 10-07) clarifies the use of the exemption and the conditions under which the service may be extended.



RESOLUTION 10-07

RESOLUTION OF THE HUMBOLDT LOCAL AGENCY FORMATION COMMISSION DETERMINING THAT AN EXEMPTION APPLIES FOR THE CALIFORNIA DEPARTMENT OF FORESTRY AND FIRE PROTECTION WATER SERVICE EXTENSION FROM THE CITY OF TRINIDAD TO SERVE THE CAL FIRE TRINIDAD STATION

WHEREAS, the provider of year-round public fire service from the Trinidad Station at 923 Patrick's Point Drive, the California Department of Forestry (CAL FIRE), , has requested that the CSA#4 expand its active powers to include water service exclusive to the Trinidad Station due to the documented health and safety concerns of the existing water supply; and

WHEREAS, the Commission has reviewed the application submitted to LAFCo by CAL FIRE for extension of said water service; and

WHEREAS, Humboldt LAFCo has the authority to grant out-of-district water service extensions per State Government Code 56133; and

WHEREAS, it has been determined that Government Code Section 56133(e) exemption allows contracts or agreements solely involving two or more public agencies where the public service to be provided is an alternative to, or substitute for, public services already being provided by an existing public service provider and where the level of service to be provided is consistent with the level of service contemplated by the existing service provider; and

WHEREAS, the service to be provided shall be provided to a public agency (CAL FIRE) by a public agency (the City of Trinidad) at a level of service that is consistent with the service currently provided; and

WHEREAS, the Humboldt Local Agency Formation Commission convened on May 19th, 2010 at a publicly noticed meeting to consider expanding the City of Trinidad's water service to exclusively serve the CAL FIRE Trinidad Station; and

WHEREAS, It has been determined by Humboldt LAFCo that the City of Trinidad has available water supply and could extend water service to the CAL FIRE Station, as documented in attached summary evaluation (Attachment A); and

WHEREAS, the CSA#4 Municipal Service Review has been updated to acknowledge water service for the CAL FIRE Trinidad Station from the City of Trinidad; and

WHEREAS, the Commission considered all the factors required by law under California Government Code Sections 56133 and 56425.

NOW, THEREFORE, BE IT RESOLVED as follows:



1. That all the foregoing recitations are true and correct.
2. That pursuant to CEQA Guidelines, at such time that the CAL FIRE negotiates a Service Agreement with the City of Trinidad for the said water service extension, an environmental assessment of the proposed project shall be required [California Public Resources Code Division 13].
3. The water line extension shall be a 1.5" diameter pipe size.
4. The CAL FIRE and the City of Trinidad are authorized by LAFCo to negotiate a Plan for Service, provision of such service, and billing arrangements for an extension of water service from the City of Trinidad exclusive to the CAL FIRE Trinidad Station.
5. The CAL FIRE has agreed to assume all financial responsibility regarding the extension of the current water line to serve the Trinidad Station and all associated water service costs thereafter.
6. That the City of Trinidad, without additional cost to the District, has the right to locate a potable water supply line in the County right of way for Patrick's Point Drive, subject to County Public Works approval.
7. Approval of stated service extension and resolution is not precedent setting and is unique to this project only, regarding Public Service Providers (Government Code 53101).

The foregoing resolution was duly and regularly adopted by the Humboldt Local Agency Formation Commission, State of California.

PASSED AND ADOPTED at a regular meeting of the Humboldt Local Agency Formation Commission, State of California, on the 19th day of May 2010, by the following vote:

AYES: Board Members: Neely, Farley, Pauli, McKenny, and McPherson.

NOES: Board Members: Clendenen, Zanzi, and McClelland

ABSENT: Board Members:

ABSTAIN: Board Members:










Marty McClelland, LAFCo Chair
Humboldt LAFCo

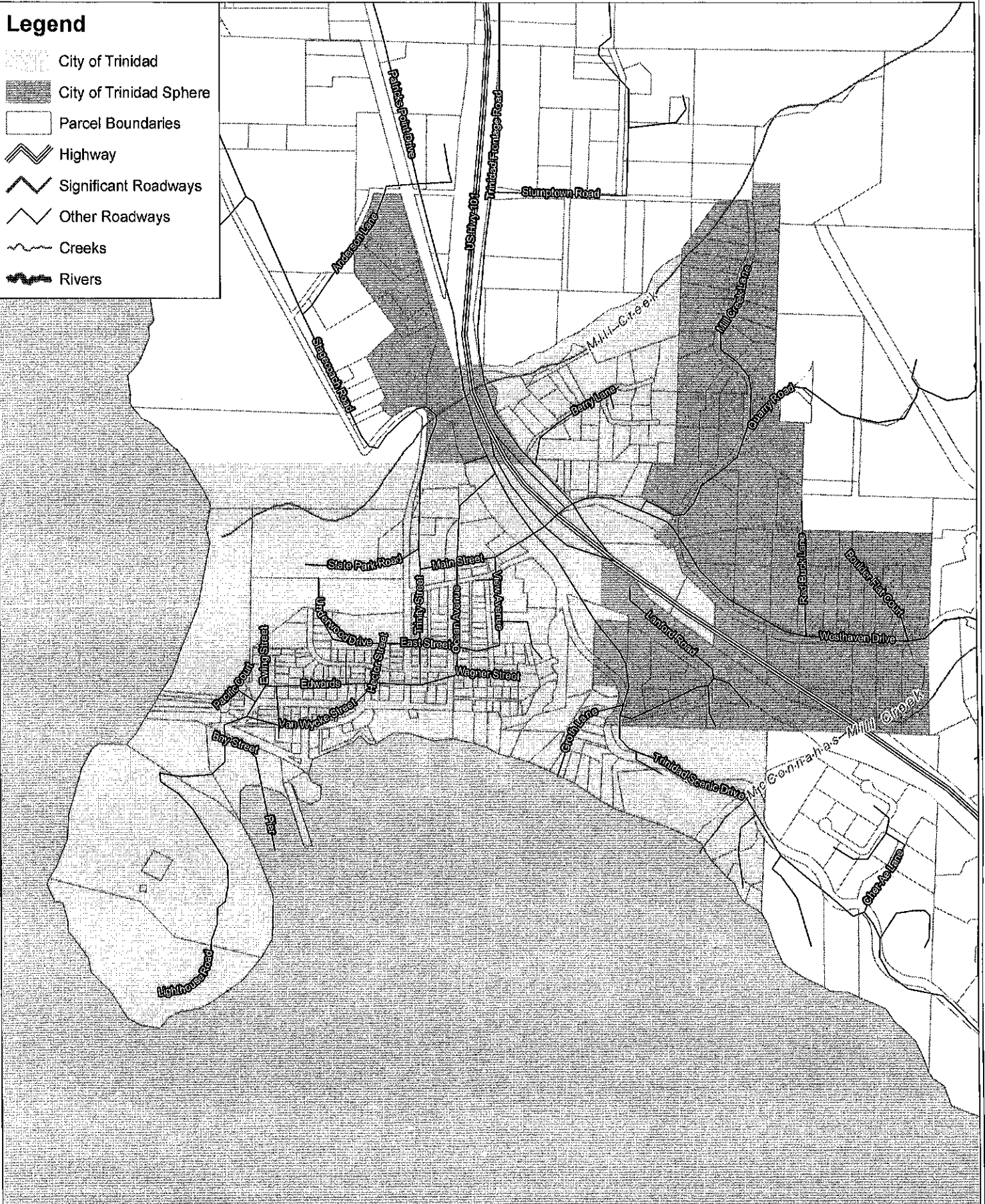
Attest:


George Williamson, LAFCo Executive Officer

City of Trinidad and Sphere

Legend

-  City of Trinidad
-  City of Trinidad Sphere
-  Parcel Boundaries
-  Highway
-  Significant Roadways
-  Other Roadways
-  Creeks
-  Rivers





HUMBOLDT

Local Agency Formation Commission

ATTACHMENT 4A - MINUTES FOR MAY 19, 2010 MEETING

COMMISSIONERS PRESENT: Commissioners Kevin McKenny, Jeff Pauli, Kenneth Zanzi, Bonnie Neely, Marty McClelland, Clif Clendenen, Jeff Farley, and Alternate Commissioner Bob McPherson.

COMMISSIONERS ABSENT: Alternate Commissioners Jeff Leonard and Jill Duffy.

STAFF PRESENT: George Williamson, Contract Executive Officer, Alisha Oloughlin, Contract LAFCo Staff and Jeff Guttero, Legal Counsel.

The meeting was called to order at 9:00 a.m. in the Humboldt County Board of Supervisors Chambers, Chairman McClelland presiding.

1. **CALL TO ORDER**
2. **FLAG SALUTE**
3. **ROLL CALL**
4. **APPROVAL OF DRAFT MARCH 17, 2010 MINUTES**

THE MOTION WAS MADE by Commissioner Pauli, and seconded by Commissioner Neely, to approve the March 17, 2010 Minutes with noted corrections.

THE MOTION PASSED BY A VOTE OF 6-0-1.

5. **PUBLIC HEARINGS**

A. **California Department of Forestry and Fire Protection (CAL FIRE) Water Service Extension-Trinidad**

George Williamson stated that staff has been working with CAL FIRE to determine the best of or all possible solutions to provide CAL FIRE Trinidad Station with potable drinking water. Rather than apply for a service extension with one of the districts or municipalities directly, staff recommended to CAL FIRE that they apply directly to LAFCo to assist them in determining all available options. The department has documented health and safety concerns based on water quality tests regarding the present contaminated supply from Martin Creek. Prior to applying to LAFCo, the department exhausted many other options, including onsite treatments and digging a well, all of which have proved unsuccessful. Mr. Williamson appeared before the City of Trinidad City Council on two occasions and the City stated interest in serving the Station. However, they were very clear that they do not want to expand their Sphere of Influence (SOI). Given that there was a potential service provider, staff asked Winzler and Kelly Consulting Engineers (W&K) to perform a feasibility study assessing the City of Trinidad's available water supply and the feasibility of City providing water to the Station. The study indicates there is sufficient water available to serve the Station and makes recommendations about the minimum size line necessary, determined to be 1". Staff then had several conversations with County staff regarding County Service Area Four (CSA4) in which County staff expressed concerns about the growth inducing potential of the service expansion and about getting involved in water service. They requested any/all other options be explored. Staff consulted the Cortese-Knox-Hertzberg Act and conferred with other LAFCo Executive Officers who have dealt with similar situations and found an exemption. This exemption is presented as a staff recommendation. The Commission would need to find that CAL FIRE operates a public system, which our research found minimally qualifies as such. They are not in the water business, but everything that they own and operate that serves water, is public. Therefore, this is merely a staff interpretation. If the Commission concurs, then the exemption is applicable in this particular case- the benefit being that it would not apply to any other entity, this being the only public entity on Patrick's Point Drive. According to the engineering study, the 1" line would supply sufficient water. If the exemption is approved, CAL FIRE would negotiate directly with the City of Trinidad to be the water purveyor. CAL FIRE would be responsible for all studies, reviews, and costs for extending the water line and all ongoing and future service costs associated with the service.

Kenneth Zanzi stated that the exemption proposed is a stretch of the intent of the provision. CAL FIRE is not in the water delivery business. Their water service is a public service, but they are the only entity that receives service from Martin Creek. They are under contract with the County to provide fire prevention and suppression services, not water delivery services.

George Williamson concurred. He added that the exemption minimally qualifies. In addition, this exemption was included in the CSA4 Municipal Service Review (MSR) as a means to clarify that CSA4 is not in the water business. If people seeking water service begin to contact the District or the City, there is a record of action in the MSR and in the Resolution clearly noting this exemption is only applicable to a public service provider.

Jeff Guttero stated that in checking the Code for Definition, he was unable to find one regarding a *Public Service Provider*, but did find one in the broadest sense of terms for a *Public Agency* (Government Code 53101) which would include this circumstance. He added that, the department owns the water source and the pipe that runs under the highway, and therefore, he believes the definition to fit and has so advised the staff.

Marty McClelland opened the Public Hearing for this item.

Ronnean Lund, California Department of Public Health, stated that she does not know if the CAL FIRE Station system fits the definition of a *Public Water System*, serving more than 25 people more than 60 days of the year, but it sounds as if there is nothing preventing them from putting treatment on their source.

Kenneth Zanzi noted that in both the W&K Report and the staff report there is no indication of a DHS finding of contaminated water supply. It is stated in one report that the well is contaminated and it is stated in the other report that they have existing contamination problems, but there is no DHS finding that the system is actually contaminated.

Mike Risso, CAL FIRE Area Forester, clarified that CAL FIRE does not intend to abandon the existing water source. What the Station is seeking is a limited supply for the purposes of potable drinking water and for personal hygiene. The Station has a source, a tributary of Martin Creek. CAL FIRE is concurrently seeking to maintain that and has gotten a notice of exemption that has been approved and have a 1600 Series Stream Alteration Agreement in place with the California Department of Fish and Game (DFG). CAL FIRE has expended the balance of funds remaining to the Station for this fiscal year trying to improve onsite treatment facilities. CAL FIRE does not feel that that is going to resolve the potability issue. Those waters from Martin Creek are devoted to fire suppression and limited on-grounds maintenance. Currently, bottled water has to be imported for drinking water and personal hygiene is limited to the contaminated source. CAL FIRE is looking to secure a supply that meets health and safety codes for limited use, consumption and personal hygiene.

Marty McClelland asked Mr. Risso how the cost of on-site water treatment of the existing source compares to extending a water line from the City to the Station.

Mike Risso responded that he is not aware of how the costs compare. He added, to the best of his knowledge, the Station had an allotment of \$100,000 to do the system upgrades and that was inadequate for any reasonable on-site treatment. The expenditures were: digging a well, although given local geography that was not going to pan out, or improving the existing draw facility and on-site treatment. In testing to do so, fecal coliform was discovered and the water continues to have heavy sedimentation. The treatment facility that currently exists is a simple filtration and chlorination. CAL FIRE has used the remainder of that \$100,000 to purchase additional equipment to be installed on-site at the existing facility and have expressed that they are not confident that will be enough to do what is required.

Marty McClelland asked what the department's budget is to extend the 1 inch line.

Mike Risso replied that they had anticipated they would be able to do everything required with the \$100,000 appropriation. Much of those funds would be expended to pay other agencies and

contractors. In regards to labor and environmental document preparation, CAL FIRE has those in-house capabilities.

Marty McClelland asked who would be doing the construction to extend the line.

Mike Rizzo replied that he was unsure as to who would be involved in the construction of the line, which dependent upon the result of the engineering study. His understanding is that the procedure of laying a limited diameter line is not complex and there is machinery that will dig and lay line simultaneously.

Kenneth Zanzi asked what documentation exists, and by whom, regarding the contamination present at both water sources- the well and the surface supply from Martin Creek.

Mike Rizzo clarified that there is no well and confirmed that the information in the W&K Report pertaining to a well being present is erroneous. CAL FIRE did a test well on-site and at 20 feet of depth, encountered an inclusive clay layer and was unable to secure a subsurface supply. CAL FIRE submitted water samples to North Coast Labs who performed tests at varying times of the year. The results came back confirming contamination.

Clif Clendenen asked John Miller if he could confirm that CSA4 provides fire service that augments CAL FIRE's summer service, thus putting the County in the fire business during that time and asked if having a water line to serve the Station, would put the County in position of new responsibility.

John Miller, County Planning Department, replied he had a discussion with the County Administrators Office about opportunities available to provide limited water service within CSA4 and that it may not be the best approach. If the extension is the most feasible engineering alternative to address the problem, it would be best to leave CSA4 as only a fire service provider.

George Williamson concurred and added that after conversations with County Administrative Office staff and Legal Counsel, staff doesn't feel that CSA4 should be in the water service business. The way that staff has presented this to you and if you concur, you would find that an exemption is appropriate in this particular case to exempt both CSA4 and this water hook-up. As presented in the MSR, no water service is proposed for CSA4. It strictly acknowledges an exemption in place for this single use to serve the one station actually providing the fire service.

Clif Clendenen stated that he is unsure of the level of technology out there, chlorination, ultraviolet, and/or others; it seems that given the ramifications of putting in this line and the ongoing maintenance costs associated, on-site treatment should be looked at.

George Williamson responded that prior to presenting this option to the Commission, staff confirmed with CAL FIRE that all other options were exhausted and this was the only viable option available. Staff is under the impression that it is, but is prepared to pursue a study independent of what is being told by CAL FIRE.

Bonnie Neely stated that it has been indicated that LAFCo has the authority to grant out of district water service extensions pursuant to State GC §56133 and under GC §56133(e) LAFCo can also grant an exemption, given that the service in question involves a public service provider and the level of service to be provided is consistent with that already being provided. I feel that the Commission can move for approval of staff's recommendation and of Resolution 10-07.

Kevin McKenny concurred with Commissioner Neely and added that if you consider what LAFCo is supposed to be doing in regards to discouraging overlapping services and other issues, none relate to running a 1" water line to the Station. He added, as an engineer, I have a problem with too small of a line and believe that the motion should condition a 1.5" line, opposed to a 1" line which would create additional pumping costs in the future, using unnecessary energy. A 1" or 1.5" line can be placed with a trencher, leaving only a 2" pavement patch. It's an economical solution to CAL FIRE's problem, much more so than trying to pursue water treatment and the ongoing expense of having to use chemicals repeatedly year after year. When fecal coliform is



present, it must be dealt with forever, whereas, if you have domestic water from the City of Trinidad, the problem is solved.

Ronnean Lund stated that every entity and water system along Patrick's Point Drive uses surface water and all have the same contamination issues. If LAFCo allows a line to be extended to the CAL FIRE Station from the City, the Commission is providing preferential treatment to the Station.

Clif Clendenen asked about some of the treatment options employed and annual costs associated with different options/entities.

Ronnean Lund responded that surface water requires filtration and disinfection. There are different filtration and disinfection methods. All the users along Patrick's Point Drive have to have a water treatment operator onsite to run their system. The treatment has to be designed appropriately for the quality and quantity of the water desired. An entirely new treatment system would likely cost more than \$100,000.

~~THE MOTION WAS AMENDED~~ by Commissioner Neely, and seconded by Commissioner Farley, to approve Resolution 10-07 with the conditions that: the water line be 1.5" diameter; CAL FIRE and the City of Trinidad will be responsible for all negotiations and the provision of said service; CAL FIRE will assume all present and future financial responsibilities associated with the water line extension and said service; the City of Trinidad has the right to locate the line in the County right of way, subject to County approval; and this motion is not precedent setting and is unique to this situation only.

~~THE MOTION PASSED BY A VOICE OF~~ 4-3-0 (Ayes: Commissioners Neely, Farley, Pauli, McKenny, and McPherson; Nays: Commissioners Clendenen, Zanzi, and McClelland).

B. MSR & Spheres of Influence (SOI) Update Hearing and Resolution for Garberville Sanitary District (GSD)

George Williamson stated that this is one of two separate items regards the GSD. This item is an update of the District's MSR and SOI. Staff is very close to completing all of the mandated MSR updates and while this update was prompted by the GSD water line extension application, it is no different than any other MSR and SOI update. Staff has been working very cooperatively with GSD staff and consultants and have had a couple of meetings regarding the District's SOI update. During one of those meetings yesterday, staff was informed that as a result of the District purchasing a water company in 2004, it is currently providing water service outside of the District boundary and SOI. The District's staff has committed to working with LAFCo staff to provide the mapping information necessary to properly evaluate the SOI. In addition, staff would like the opportunity to further evaluate the SOI in relation to existing land uses and is requesting a continuance to continue working with the GSD staff and consultants on these matters.

Marty McClelland requested that the MSR include mapping of the existing water system, especially in those areas that the District is providing service outside the District boundary, and that the MSR clearly addresses this matter.

C. Garberville Sanitary District Water Services Extension Application

George Williamson stated that the Commission will be unable to take action on this item, as the CEQA review process is not yet complete. The review process is expected to be complete within the next few weeks and therefore, this item can be continued until June.

Marty McClelland stated that the CEQA document, under the Land Use section, should address the proposed changes and cumulative impacts to the Tooby Park area. It can't be ignored; it's been discussed with the District and the community and has been accepted, as I understand, by the County as part of the General Plan Update process. In addition, the alternative smaller line and storage needs to be further addressed. There were comments about impacts to cultural



HUMBOLDT

Local Agency Formation Commission

resources. Those affects have been mitigated, yet that's the basis for being unable to provide storage.

George Williamson responded that both LAFCo staff and County staff commented during the draft review period on that environmental document and those concerns were included in the comments and are in the record. Staff will bring back to the Commission- LACO's responses to LAFCo and the County's comments, with the notice of determination and the complete environmental document.

Marty McClelland opened the item for public testimony.

Donald Courtemanche, Garberville resident, stated that the entire town of Garberville is served by an 8" water line which serves 400-500 customers and is used for fire suppression. The Meadows Subdivision, currently supplied by a 6" line, has far more housing, commercial, and fire suppression needs than Kimtu Meadows Subdivision. The Surface Water Treatment Plant (SWTP) must be considered in conjunction with the Kimtu water line, which has been linked to the GSD's SWTP site since at least February, 2005. The copy of the GSD's Board minutes shows a link to the Southern Humboldt Community Park Board (SHCPB), concerning water issues. These minutes show that Kimtu and the SWTP project were conceived with development along the pipeline. Also, the CEQA document does not identify the Eel River as Wild and Scenic, which needs to be addressed. The DFG wants the District to stay at its current level of water withdrawal and not increase the demand on the South Fork. I live and work on this river and see its ever-changing flows. The river is dying before our eyes. The SHCPB has big development plans, in addition to private development plans on the Goldeen and Dazey properties. The solution for safe drinking water for Kimtu residents should not be a vehicle for leap-frog development and the taking of more water from the Eel.

John LaBoyteaux, Redway resident, requested to approach the map. Mr. LaBoyteaux identified land below the freeway, out to the River, as the former Tooby Ranch, which he stated was not included in the litigation because it was not enrolled in the Williamson Program. Instead, there was a community campaign to purchase most of this property as a park. As part of that transaction, Mr. Dazey acquired about 70 acres in this location. In a letter that Mr. Dazey sent to the GSD in 2008, he mentioned his subdivision and then wrote, the GSD expects to connect his parcel in the process of developing the water line to Kimtu. Secondly, Mr. LaBoyteaux identified a hillside on the map. He identified all the land from the base of the hill on a flat, out to the River as prime agricultural land, as is a portion of Mr. Dazey's property. The private non-profit that controls the community park is proposing to rezone the area around the top of the flat. If you visit their website they include a description of what they intend to do- which is to construct a centralized recreational complex, including four ball fields, an Olympic size swimming pool, a clubhouse, indoor athletic pavilion, community center, hospital facilities, a conference center, and a senior multi-generational housing project. Finally, in this area, below the freeway, but not part of the community park, Mr. McKee, who was the purchaser of the ranch, retained a large parcel, 80-90 acres, and he has a partner in this parcel, Sanford Goldeen, a Marin County hillside condominium developer. That parcel is already served by public water; however the pipeline is quite small and was intended to serve a single residence. This is an 8" diameter, 2-mile pipeline running from town past all these properties to the Kimtu Subdivision. People of Kimtu have been getting along with their water system for over 30 years. The problems that the system has can be fixed at Kimtu, including fire flow. I believe that the Department of Health Services has been taken for a ride and that this pipeline has massive growth inducing potential. The owners have already stated their intentions.

Virginia Graziani, Redway resident, stated that she wanted to second what Mr. LaBoyteaux and Mr. Cortemanche said. She added that as a member of the Redwood Community Services District Board, she has a great deal of respect for the amount of work that the GSD has done working with the Department of Health Services. However, she added, I do feel that this project is growth-inducing. It has been stated by GSD that it is up to the County and LAFCo to determine what those land uses are going to be. In my opinion, this is a circular argument



because when the County decides how much growth is going to occur in an area, they ask the service district about their capacity, infrastructure, and need for growth, and they are very much

guided by the information that they receive from the District. If there is a desire for growth in the area, if there's a desire for areas in the County for housing allocation needs, and if there's infrastructure and capacity to serve that growth, then it will occur. A critical question is whether there's enough water in the Eel River to serve this growth. The State Water Resources Control Board has given the GSD all the water allocation that they need, so that's not really a constraint, regardless of whether the water is physically there or not. Also, because the Mitigated Negative Declaration (MND) was prepared on behalf of the State Department of Public Health (DPH), there was not a copy available to the local public in Garberville. The public had to obtain a copy through either LACO or the County. Lastly, LACO Engineering has been the engineer in GSD's water treatment plant project in addition to being the engineer preparing the MND for the DPH. I would feel more comfortable with the conclusion that there is no other way to alleviate the health and safety problem in Kimtu, other than extending this line, if an independent study was performed by another engineering firm that supported that conclusion.

Clif Clendenen asked, if the project is approved, would the water right currently existing for Kimtu Subdivision, be extended to the GSD, or would it be extinguished all together.

Ronnean Lund responded that Kimtu has no legal water rights, except for the parcels adjacent to the river, which have riparian rights. In 2002, the DPH sent Kimtu a boil water notice because they were using unfiltered surface water out of the Eel River. After further research, the conclusion was that they did not have any rights for the water they were using. Other options were looked into, including drilling a well. The Division of Water Rights, of the Department of Water Resources, determined that a new well would withdrawal ground water that is tied into the surface water of the river, and would require water rights, which the Department does not wish to allocate because there's not enough water. Thus, it was determined that the only feasible option was to consolidate the GSD and Kimtu water systems, with GSD taking over the Kimtu system once the new facilities were installed.

Randy Rouda, LACO Associates, clarified that LACO is before LAFCO representing Kimtu Meadows Mutual Water Company (KMWC). LACO has many clients, but regarding this project, KMWC, is the client. LACO has been working with KMWC for quite some time to find a remedy for the existing boil water notice. LACO prepares draft environmental studies for review by public agencies. For this one, the lead agency is the DPH. Also, in regards to the 8" line, with a 2.5 mile lone dead end line the friction loss is extraordinary. In regards to the Mitchell easement, Kimtu Camp Road, was never fully dedicated to the County. When LACO looked into putting in a water line, there was no obvious right, so an easement from the adjacent property owner was looked at. That arrangement has no offer, guarantee or notion that a connection would be permitted for that adjacent property. Lastly, KMWC would be happy to accept potentially any future restrictions to that line which allows them to move forward in alleviating their water quality concerns.

Marty McClelland asked Mark Bryant, GSD Manager, what the water line cost estimate is.

Mark Bryant responded, approximately \$80 per foot for approximately 10,000 feet (2 miles), which includes asphalt reconstruction. At 20 connections, that's roughly \$40,000 per connection.

Marty McClelland asked if the District has a fee schedule for reimbursement.

Mark Bryant responded, fee rates will be within the District's current pressure zone for downtown. Recovery costs associated with that are on the shoulders of CDPH and Kimtu. The 20 property owners of Kimtu Meadows Subdivision signed a petition requesting service from the District, specifically stating they will cover costs incurred by the District, which can be recovered in several different ways, including a tax assessment applied by the County or an increase in the fee schedule above current base rates. Mr. Bryant added that there is confusion



HUMBOLDT

Local Agency Formation Commission

because the GSD is looking at two projects: GSD's major capital improvement project, which is currently partially funded, and the Kimtu project by CDPH. There is some alignment between the GSD's participation and Kimtu. GSD's participation is limited to the physical and correspondence requests from CDPH and Kimtu to supply water. There are issues regarding the SOI. Our community would need to look at the implications of any growth and would need to provide our board with input, through a series of public hearings, before decisions regarding the SOI are made. In the past the District has dedicated a series of 5 public hearing for those comments. GSD wants the community's input on where and how they want to grow. There has been discussion about letters from specific property owners and ambitious goals to develop in that area. The GSD has yet to receive any of those letters and there has been no cross-communication between the District, Community Park, or Steve Dazey. There's nothing official in our record or minutes that relate to any discussion.

Clif Clendenen asked Mr. Bryant to identify on the map, the areas where the District currently provides water service which are outside of the GSD boundary.

Mark Bryant responded that the current SOI was approved in 1986, which borders the Kimtu area. In 2004, the community purchased a privately owned water company which was having financial difficulty meeting current water regulatory requirements. When GSD bought the water company, our SOI expanded because the water district served outside the District service area and SOI. Years ago there was a development out on Connick Creek, 7-8 parcels that the County permitted with the stipulation that the development would have to get water from the community's water system, then privately owned. So, GSD inherited that pre-existing out of service area pipeline. GSD worked with LAFCo at the time of the purchase because the District was undergoing a major rehabilitation project for our wastewater system. As part of that process, GSD was requested by the County to serve their county yard facility, along with a series of houses that had been identified with failed septic systems. That area was annexed as part of that project along with other areas within the service area that had never officially been annexed. The service area has significantly expanded; portions of our current treatment area and the wastewater treatment plant are not within the service area. CalTrans and the new Blue Star distribution facility are within the service area. There are a lot of changes that need to be reflected in the SOI and the service area. This is a lengthy process and it's very important that the GSD gets the community's input before areas are identified for future growth. That's part of the reason that when the GSD made the commitment to the DPH to supply water to Kimtu due to the health and safety concern, we specifically specified that the line is only to be used for the Kimtu residents. Some of the options that we looked into for restricting that line included deeding that line to a conservation organization. Another stipulation that was put on the agreement with CDPH and Kimtu was that all water rights for any one tied to that water line will be given to the GSD because the resources in the South Fork Eel are extremely challenged. GSD has been working with agencies to address these challenges. But, as it is now, the flows will not sustain the people and fish life in the South Fork area. So, there may not be a growth issue.

Kevin McKenny asked Mr. Bryant if the existing treatment facility, located across the highway, has a deep well.

Mark Bryant responded that the GSD has two primary sources of water, a shallow well in town, used when the turbidity in the river is too high to produce water, and primary summer intakes in the river. The water rights that the District has now are at the same volumes as given to the Hurlbutt family operation. GSD has not enhanced them. The District's concerns are the adequacy of that resource.

Kevin McKenny asked is the new treatment facility is to be built on the McKee property.

Mark Bryant responded that initially it was on the McKee property, but the property has since changed hands a few times. The property is located off of the County Road, Tooby Ranch Road, approximately 200 feet up, tucked behind some redwood trees. The District plans to tie into the 8" line off of Sprowel Creek Road to charge the town at the base elevation. From there, water would go through a series of four other pumping tiers within the District.



HUMBOLDT

Local Agency Formation Commission

Jeff Pauli asked Mr. Bryant if Kimtu residents would be required to relinquish their riparian water rights, resulting in no net gain of water from the river.

Mark Bryant responded, yes, the GSD does not want a net or gross impact.

Ronnean Lund clarified that Kimtu has been on a boil water notice for years and separately and coincidentally, the GSD treatment plant isn't sized appropriately and has been working with the DPH for a number of years to upgrade their plant. Both systems have had trouble coming up with the monies. Kimtu was offered a 100% grant (Prop 50) to pursue their project, but then those monies were frozen. Coincidentally, the best site for the GSD's plant was where identified earlier. The fact that this location is on the way to Kimtu is completely coincidental. DPH is a third-party agency with no interest in the local politics and has been overseeing both projects.

THE MOTION WAS MADE by Commissioner Neely, and seconded by Commissioner McKenny, to continue the GSD water service extension application to the July 21 meeting, with a status report to be provided at the June meeting.

THE MOTION PASSED BY A VOTE OF 7-0-0.

D. Hearing to Adopt Fiscal Year 2010-11 Budget

George Williamson commented that staff presented the Preliminary Fiscal Year 2010-11 Budget for the Commission's review at the May meeting. He noted that the Draft Budget was mailed to all member organizations for comments and none were received. The Fiscal Year 2010-11 budget proposed represents a further reduction in the budget. Staff asks you to consider this budget for adoption.

THE MOTION WAS MADE by Commissioner Farley and seconded by Commissioner Pauli, to approve Resolution 10-04, adopting the FY 2010-11 Budget as presented.

THE MOTION WAS PASSED BY A VOTE OF 7-0-0.

6. BUDGET & STAFFING

A. Budget Status Report Fiscal Year 2009-10.

BY ORDER OF THE CHAIR, with the concurrence of the Commission, the May 2010 Budget Status Report was received and filed as presented by staff.

B. Planwest Partners Staffing Services Agreement Extension.

Frank Bacik, Town of Scotia LLC Vice President of Legal Affairs, stated that he has approached the Commission about this matter before, which regularly arises in the public record, regarding the conflict of interest that currently exists with the Executive Officer (EO). I am an applicant before LAFCo and have a matter on the agenda for next month. The City of Rio Dell proposes an alternative approach and Mr. Williamson represents that party as well. The conflict of interest is not new, I've addressed it before you in the past when staff reports have come out that shouldn't bear Mr. Williamson's name and organization, but do. Yesterday I received calls from Scotia and Rio Dell residents about this matter; staff reports for LAFCo, on LAFCo letterhead, submitted by LAFCo's EO, will recommend that LAFCo take favorable treatment in connection with an application by someone else paying Mr. Williamson to bring and argue an application before LAFCo. As of today, there's a staff report before you by Mr. Williamson. That staff report says that you should consider hearing from Rio Dell, his other client, so that they can give you updates on the preparation of an application before LAFCo, an annexation application. That staff report tells of all good things being done by the City to advance that application. He's being paid by the City at the same time to prepare and present that application. Your EO is hired by people because he's your EO, to prepare and present applications to you. Those conditions are unfair and intolerable to us, probably because the contract that exists doesn't address those circumstances adequately. The only clause in the proposed contract that



HUMBOLDT

Local Agency Formation Commission

addresses conflict, Section 3, says that it will essentially be self policed. Mr. Williamson will decide if there is a potential conflict and will bring the matter to the Chairman, who will ask an

alternate staff member to do the staffing instead. There should be a clause that absolutely prohibits Mr. Williamson from then presenting to you as someone else's staff member, applications. There should be a provision that requires recusal of participation before LAFCo as an advocate for an application, or as an advocate on behalf anyone else, for an action from LAFCo. There is a staff report before you that advocates for favorable action, hearing additional testimony from his client, as he's the paid advocate for Rio Dell. This has been brought to your attention five times and can be considered a violation of due process rights. It has been brought to your attention in order to exhaust administrative remedies in order to preserve our rights, lest they be waived. The Town of Scotia LLC asks you to write a contract provision which requires recusal on behalf of your EO so that he does not solicit activity to represent people before you; he's your EO and as long as there's a contract, he shouldn't be appearing before you as an advocate for other people.

Marty McClelland stated that the item before the Commission is the contract extension for Planwest. When written, conflict of interest was a specific issue. Each time it has been raised, George hasn't acted alone and has been in consultation with Mr. Guttero about the conflict and how to approach it. It appears the provision in the contract regarding conflict needs to be reviewed and brought back to the Commission with any modifications of language. Mr. McClelland suggested the Commission direct counsel and staff to review the provisions on conflict.

Kevin McKenny stated he recalled being on the Committee that originally worked on the contract. The subcontractors, Pacific Mutual Consultants (PMC), were supposed to do everything with regard to Scotia and would have to be present for anything regarding Scotia. They should be writing and be present for the staff reports.

Bonnie Neely stated that if it's just a status report, it should be prepared by, but need not be presented by PMC, if the contact information is on the written report and it can be received and filed or if PMC can be contacted to answer any questions.

Jeff Pauli stated that even on the issue of annexation of the old Eel River Sawmill property, it causes him concern to know that there are two roles being played within the same organization.

THE MOTION WAS MADE by Commissioner Zanzi and seconded by Commissioner Clendenen, to approve the extension of the contract for Planwest Partners' to provide LAFCo services and to direct staff and counsel to report back on alternative conflict language, as suggested by Mr. Bacik.

THE MOTION WAS PASSED BY A VOTE OF 4-0-3.

7. COMPLIANCE WORK PLAN

BY ORDER OF THE CHAIR, with the concurrence of the Commission, the May 2010 Compliance Work Plan was received and filed as presented by staff.

8. PENDING APPLICATIONS

A. Scotia CSD Formation-- Status Report

B. Rio Dell Scotia Annexation Application -- Status Report

BY ORDER OF THE CHAIR, with the concurrence of the Commission, the Scotia CSD Formation and the Rio Dell Scotia Annexation Application status reports were received and filed as presented by staff.

9. INQUIRIES CORRESPONDENCE, REFERRALS

A. Commissioner term expirations in May, 2010



HUMBOLDT

Local Agency Formation Commission

Marty McClelland requested staff research the bylaws regarding Commissioner term expirations and staff agreed to do so. In addition, Mr. McClelland requested the Commission member roster be updated to ensure that there are no additional disjointed expiration terms.

Marty McClelland asked the Commission for volunteers to serve on the Alternate Public Member Selection Committee- Commissioners' Neely, Pauli, and Zanzi volunteered to do so.

B. CALAFCO University – Fire District Organization and Reorganization

George Williamson commented that CALAFCO hosted a Fire District Organization / Reorganization workshop. A panel of experts specializing in fire district reorganizations and formations were present. Representatives from County Staff, Arcata Fire Protection District, and Commissioner Farley attended. A complete binder from that workshop, full of very valuable information, is available for review.

10. PUBLIC APPEARANCES

11. ADJOURNMENT: 10:47 a.m.

ATTACHMENT A



MEMORANDUM

TO: George Williamson, Humboldt LAFCo Sent Via Email Only

FROM: Rebecca Crow, P.E.

DATE: April 6, 2009

RE: Preliminary Feasibility of Connecting

JOB #: 10951-10-001-11001

Introduction

The purpose of this memo is to evaluate the feasibility of connecting the Cal-Fire Trinidad Station (fire station) to the City of Trinidad's water system. Currently the fire station uses a well to supply drinking water, irrigation water, and fire suppression. The well water is contaminated and the fire station is looking for an alternative potable water supply. This memo evaluates the potential demand from the fire station, available water supply from the City of Trinidad, and the infrastructure necessary to make the connection.

Estimated Fire Station Water Demand

Historic fire station water use is not available, so demand was estimated based on facility use. The facility consists of a 2,500 square foot operations building, a 1,500 square foot foresters building, and a 2,100 square foot engine bay. Altogether there are 2 bathrooms, 1 shower facility, and 1 washing machine (used weekly for linens) located at the site.

Peak summer staffing includes 6 fire staff who are onsite 24 hours per day 7 days per week. There are also 2 foresters that staff the forester building for 8 hrs per day 5 days per week. Visitors to the facility are rare. If potable water can be extended to the site, the station would continue to use the existing onsite well for irrigation, fire suppression, and fire truck tank fill-up and truck maintenance, thus limiting the potable water demand to indoor water use.

Table 1 below shows the estimated water demand of the fire station under average conditions and peak demand conditions expected to occur during the summer months. Water use estimates were taken from published literature as cited below.

The total peak daily water demand is estimated at 800 gallons per day. The water demand varies during the day with peaks in the morning and evening and lows during the middle of the night. For calculating the instantaneous hourly water demand, a peaking factor of 4 was used, which is common for small facilities. This results in a peak hourly demand of 133 gallons per hour or approximately 2.2 gallons per minute (gpm) for a period of one-hour. These figures will be compared to the available Trinidad Water Supply in the last section of this memo to determine if the City can supply the fire station demand. The next section presents the City of Trinidad's available supply.

Table 1: Summary of Fire Station Indoor Water Demands

Description	Number of Persons	Estimated Demand (gpcd1)	Estimated Average Daily Demand (gpd2)	Peaking Factors	Daily Peak Demand (gpd4)
Cal-Fire Staff	6	59.8 5	358.8	2	717.6
Forester Staff	2	16.0 2	32.0	2	64.0
Total	-	-	390.8	-	781.6
TOTAL Rounded			400		800

1) GPCD: Gallon per capita per day 2) GPD: Gallon per day 3) Peaking Factor: Accounts for increased daily use during warm dry summer months 4) Peak Daily demand equals average daily demand time the peaking factor 5) Average day indoor water demand based on a 1999 study by the American Water Works Association Research Foundation 6) Indoor water use for office staff estimated from Wastewater Engineering Treatment and Reuse, Metcalf & Eddy Inc., 2003.

City of Trinidad Water Supply System

The City's water system consists of an infiltration gallery located 10 feet below Luffenholtz Creek connected to a wet well. Pumps in the wet well supply pressure to move water through three parallel sets of roughing and polishing filters then after chlorination onto the City's two 150,000 redwood water storage tanks.

The City maintains three wet well pumps capability of delivering 120 gallons per minute individually. The City typically only operates one of the three pumps, however during peak demand periods, the City must run two pumps with a combined flow rate of 220 gpm. The City's pressure filters have a combined filtration area of 59.8 square feet (sqft). When the City has two pumps operating, the flow rate exceeds the California Code of Regulations, Title 22 filtration rate standard of 3.2 gpm/ sqft. In order to stay under the allowed filtration rate when operating two pumps, the pumps must be metered down by partially closing the pump discharge valves until the flow rate drops lower than 176 gpm. At this flow rate the City can produce 253,440 gpd. The practice of closing the discharge valves is not recommended for long term operation as the operating pressure exceeds the design pressures of the pumps. The City also has difficulty treating high turbidity during storm periods, and must shut the plant down and rely on storage during these periods.

The City is currently pursuing funding for an improvement project to construct a new membrane filtration system which would address both the high filter loading rate and turbidity issues. The proposed new system would be capable of filtering up to the maximum flow rate with two pumps running of 220 gpm or the equivalent of 316,000 gpd.

Current City Water Use

The City of Trinidad currently supplies an average of 100,000 gallons of potable water per day to meet the demands of the City's water service area. The peak demand during the summer period reaches approximately 150,000 gpd, corresponding to a peak hourly demand of 25,000 gallons per hour or 416 gpm for a period of one-hour. Peak demand was estimated from July and August 2009 peak day water production records with a small factor of safety.

Water Storage

The City currently operates two 150,000 gallon storage tanks, for a total of 300,000 gallons of storage. Out of the total storage, approximately 180,000 gallons is reserves for fire flows (estimated as 2 hours of supply at 1500 gpm). Ideally, this volume would be kept in storage for availability during a fire.

During peak water use in the summer, demands are higher than the maximum feed rate supplied by the pumps. Additional water to meet peak demands is supplied from storage. This results in decreased stored water availability. However, the peak summer demand is less than the available system pumping capacity. And thus storage used during the day can be replenished during the night, and it is not anticipated that storage would be a limited factor to connection of the fire station to the City's system.

Luffenholtz Creek Supply

The City sole raw water supply is Luffenholtz Creek. The City is allowed to extract a maximum of 0.56 cubic feet per second (cfs) (251 gallons per minute) from Luffenholtz Creek. The City's water right permit stipulates that when the flow in Luffenholtz Creek is lower than 0.86 cfs, the City must leave at least 0.15 cubic feet per second in the creek, including enough for the 0.0054 cfs worth of water rights downstream from the City, resulting in a total of 0.1554 cfs or approximately 70 gpm that must bypass the City's water intake.

During the drought period of 1977, the flow in Luffenholtz Creek was recorded to drop to 0.62 cfs (278 gpm). This is considered the lowest recorded flow conditions for Luffenholtz Creek. At this flow the City could still divert up to 208 gpm or 299,520 gpd, which is significantly less than the City's current peak day demand.

Trinidad Water Supply Summary

Table 2 below presents a summary of the City of Trinidad's water system capacity and estimate of available capacity beyond existing demands.

Table 1: Summary of Fire Station Indoor Water Demands					
Description	Number of Persons	Estimated Demand (gpcd ¹)	Estimated Average Daily Demand (gpd ²)	Peaking Factors	Daily Peak Demand (gpd ⁴)
Cal-Fire Staff	6	59.8 5	358.8	2	717.6
Forester Staff	2	16.0 2	32.0	2	64.0
Total	-	-	390.8	-	781.6
TOTAL Rounded			400		800
1) GPCD: Gallon per capita per day 2) GPD: Gallon per day 3) Peaking Factor: Accounts for increased daily use during warm dry summer months 4) Peak Daily demand equals average daily demand time the peaking factor 5) Average day indoor water demand based on a 1999 study by the American Water Works Association Research Foundation 6) Indoor water use for office staff estimated from Wastewater Engineering Treatment and Reuse, Metcalf & Eddy Inc., 2003.					
Table 2: Summary of City Water Demands					
Conditions	Flows	Comments			

Potential for Trinidad Cal Fire Station to Connect to the City of Trinidad Water System

A comparison of the fire station water demand (Table 1) to the available Trinidad water system capacity (Table 2) shows that the fire stations' estimated demand is less than 1% of the available capacity. Thus, the City has the capacity to provide potable water to the fire station.

A preliminary evaluation of the infrastructure needed to provide water was also conducted. The closest tie-in location for the fire station to the City's distribution system is an existing 12-inch water main located at the intersection of Patrick's Point Drive and Main Street approximately 1.05 miles from the fire station. The water system pressure at this point was estimated by the system operator to be 80 psi. To serve the fire station, a pipeline would likely be installed along Patrick's Point Drive. Several pipe sizes were evaluated to determine the potential water pressure at the fire station. The minimum connection pressure is 20 psi per California Code of Regulations Title 22, Article 6, Section 64602(A). Table 3 summarizes the pressure for the three different pipe sized considered, including both friction losses and elevation losses. As can be seen in Table 3, all pipe sizes considered could provide the required pressure.

Table 1: Summary of Fire Station Indoor Water Demands

Description	Number of Persons	Estimated Demand (gpcd)	Estimated Average Daily Demand (gpd2)	Peaking Factors	Daily Demand
Cal-Fire Staff	6	59.8 5	358.8	2	717
Forester Staff	2	16.0 2	32.0	2	64
Total	-	-	390.8	-	781
TOTAL Rounded			400		800

Conclusions

Based on the preliminary analysis, it is currently feasible for the City of Trinidad to supply the Cal-Fire station with potable water. The peak fire station demand estimated at 800 gallons per day is approximately 1% percent of the available City supply. A 1-inch diameter supply line connected to the City's main line at Patrick's Point Drive and Main Street provides adequate service pressure. The pressure at the connection point should be verified before a project is pursued. Additionally, other factors such as environmental compliance for pipeline routing and water connection agreements should be addressed for impacts to project feasibility.

References

American Water Works Association Research Foundation (1999) *Residential End Uses of Water Study*, American Water Works Association Research Foundation, Denver, CO. Metcalf and Eddy, Inc. (2003) *Wastewater Engineering: Treatment and Reuse*, 4th ed., McGraw-Hill, New York. Personnel Communication Trinidad Water Plant Operator, Bryan Buckman, March and April 2010. Winzler & Kelly (2009) *City of Trinidad Preliminary Engineering Report Membrane Treatment System Analysis Addendum*, Winzler & Kelly, Eureka, CA. Winzler & Kelly (2003) *City of Trinidad Proposition 204 Water Supply Feasibility Study*, Winzler & Kelly, Eureka, CA.

c: Stephen Albright, Trinidad City Manager
Alisha Oloughlin, Humboldt LAFCo



DISCUSSION AGENDA ITEM 4

SUPPORTING DOCUMENTATION FOLLOWS WITH: 16 PAGES

4. Discussion/Decision regarding Request to Remove Existing Conditions and Place New Conditions on the Trinidad Bay Bed & Breakfast

DISCUSSION/ACTION AGENDA

Date: October 10, 2012

Item: Consider Request to Remove Existing Conditions and Place New Conditions on Trinidad Bay Bed and Breakfast

Background: The matter of removing conditions on the Trinidad Bay Bed and Breakfast was considered and approved by the Planning Commission in July 2010 as a recommendation to the City Council. The matter was then considered by the City Council in August 2010 with a resulting action "to deny Morgan's request to have the conditions removed, and maintain the current requirements and conditions as placed on the B&B in 1985. However, if future water quality testing on the bluff yields negative septic impacts then the city may reconsider the request. Conditions will be enforced based on trust and good faith that the owner will comply. "

Mr. Morgan is once again requesting a modification of the previously approved use permit to remove/alter the conditions of approval, and he will be prepared to express his opinions at the meeting.

With regard to the current two conditions, Planner Parker's July 2010 staff report advised as follows:

Condition (1): The condition to use a commercial linen service was not based on any real data or professional recommendation. The condition was intended to reduce the amount of water going into the system; however, there is no restriction to the property owner simply taking the laundry to his adjacent property and doing the wash there. This does not reduce the amount of water going into the ground in general.

Condition (2): The condition to cease business if the septic system fails is covered by other laws/regulations, and the Department of Health has no issue with removal of this condition.

The Planning Commission (with concurrence from the County Health Department), determined that there are other ways to protect the system than requiring a commercial linen service. For that reason, even though the two original conditions were recommended for removal, additional conditions were recommended to be put into place. Those three conditions were:

1. The property owner shall have the septic system inspected annually during the wet weather season and the results provided to Department of Health (DEH) each year. This inspection schedule may be modified under implementation of the City's On Site

Wastewater Treatment System (OWTS) Management Program with written approval from DEH.

2. The owner recognizes that if the septic system fails, steps will be taken by the City and/or DEH to rectify the situation, which may include suspension of the Use Permit or temporary closure of the business until the system is repaired to the satisfaction of DEH.
3. The next annual inspection, to occur in the upcoming wet season, shall conform to the requirements for a performance inspection under the City's OWTS Management program verifying the function of the entire system, including the leachfield and confirming the presence or absence of an effluent filter. If an effluent filter is not already installed, one shall be installed at the time of inspection.

Proposed Action: Remove the current two conditions in favor of three new conditions as outlined in the July 8, 2010 staff report from Planner Parker and as restated above.

Attachments:

August 11, 2010 Council agenda report with the following attachments:

- July 8, 2010 staff report from Trever Parker
- July 5, 2010 Application Referral Form from County Health Department indicating no objection to removal of the off site laundry requirement condition.
- Proof of work done on septic system.

DISCUSSION/ACTION AGENDA ITEM X.1

Date: August 11, 2010

Item:

**PLANNING APPLICATION 2010-06 REGARDING THE
REQUESTED REMOVAL OF CONDITIONS ON THE
TRINIDAD BAY BED AND BREAKFAST**

Background:

In 1985, the Trinidad Planning Commission and the City Council approved a request to establish a bed and breakfast inn at the residence at 560 Edwards Street. The approval included two conditions, and the current owner has filed an application requesting that those conditions be removed.

During the public review at the Planning Commission at its July, 2010 meeting, it was pointed out that, since the original approval and conditions were placed by the City Council, it would be appropriate for the current City Council to either remove, modify, or confirm the conditions that were placed in 1985.

The Planning Commission did complete its discussion of the item and agreed with the applicant to remove the conditions placed in 1985. In their place, the Commission recommended three new conditions that are included on page 6 of the attached report.

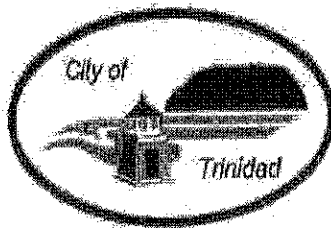
The applicant will be present to express his opinions as to these new conditions.

Staff Recommendation:

Approve the applicant's request to remove the 1985 conditions, and add three new conditions as recommended by the Trinidad Planning Commission.

Attachments:

Staff Report dated July 8, 2010, from Trever Parker;
Response email from the County Health Department regarding its acceptance of removal of the 1985 conditions; and
Proof of work done on the septic system at the Trinidad Bay Bed and Breakfast since the Planning Commission meeting on 7/21/10.



Filed: July 8, 2010
Staff: Trevor Parker
Staff Report: July 9, 2010
PC Hearing Date: July 21, 2010
Commission Action: Rcmd Cond'l Approval
CC Hearing Date: August 11, 2010
City Council Action:

STAFF REPORT: CITY OF TRINIDAD

APPLICATION NO: 2010-06
APPLICANT (S): Michael Morgan
AGENT: NA
PROJECT LOCATION: 560 Edwards Street
PROJECT DESCRIPTION: Modification of an existing Conditional Use Permit for the Trinidad Bed and Breakfast to remove two conditions previously placed on the original project approval in 1985 that (1) a commercial linen service must be used, and (2) that the use permit will be suspended if the septic system were to fail.
ASSESSOR'S PARCEL NUMBER: 042-101-07
ZONING: PD – Planned Development
GENERAL PLAN DESIGNATION: PD – Planned Development
ENVIRONMENTAL REVIEW: Categorically Exempt from CEQA per § 15305 of the CEQA Guidelines exempting minor alterations in land use limitations.
APPEAL STATUS:

Planning Commission action on a coastal development permit, a variance or a conditional use permit, and Design Assistance Committee approval of a design review application will become final 10 working days after the date that the Coastal Commission receives a "Notice of Action Taken" from the City unless an appeal to the City Council is filed in the office of the City Clerk within that time. Furthermore, this project is / is not X appealable to the Coastal Commission per the City's certified LCP, but may be appealable per Section 30603 of the Coastal Act.

STAFF COMMENTS:

Because of the nature of this request, most of the staff report discussion items do not apply, and so this is an abbreviated form of a staff report.

Background

The Bed and Breakfast was originally converted from a single-family residence in 1985 by previous owners of the property. According to file information, the project was rather controversial at the time, and residents were adverse to the idea of a commercial establishment in this location. Conditional Use Permits do not expire (unless written as such) and run with the land, meaning they transfer to new property owners. Only two conditions were placed on the original issuance of the Use Permit: (1) that "a commercial linen service must be used," and (2) that "if the septic system fails, this permit shall be discontinued until the system is brought up to standards or replaced; a compliance check shall be made by the City Building Inspector." The applicant is requesting that both conditions be removed at this time. A discussion from staff's perspective is included below under 'sewage disposal.' Also see the letter submitted by the applicant for additional reasoning and support.

SITE CHARACTERISTICS:

The subject property is located on the corner of Trinity and Edwards Street. It is developed with a large, 5-bedroom residence and outbuildings that have previously been approved for use as a bed and breakfast. The site is generally flat, and access is from Edwards Street. The project will not result in any changes to the physical characteristics of the site.

ZONING ORDINANCE/GENERAL PLAN CONSISTENCY

A bed and breakfast is an allowable use with the granting of a use permit in the PD zone (§17.36.020). A use permit to run a 5-bedroom bed and breakfast was granted by the City in accordance with the certified Local Coastal Plan (LCP) in 1985. Within the PD Zone, all uses require a use permit (even a single-family home) and all use permits in the PD Zone must be approved by the City Council after a recommendation by the Planning Commission. The proposed project will not change any structures or the use of the property that would affect zoning, setbacks, etc.). This request could be considered a change in the intensity of the use, but still meets the requirements of the LCP. The Use Permit findings are included below, but they should be considered just in terms of removing the conditions, not the existing use as a bed and breakfast.

SLOPE STABILITY:

The property where the proposed project is located is outside of any areas designated as unstable or questionably stable based on Plate 3 of the Trinidad General Plan.

SEWAGE DISPOSAL:

Condition 1

When looking at all the facts surrounding the situation, this condition could be considered somewhat unreasonable. I can find no evidence that this condition was based on any real data or professional recommendation. There was quite a bit of involvement in this project from the County Division of Environmental Health (DEH), and they never had any objections (though they did have concerns) with the project, and this condition was not a recommendation of DEH. The septic system was upgraded in 1989 to add a larger tank and additional leachlines. However, it still does not meet current standards were a new system for a new business to be installed today, but is still better than it was in 1985. The system is being well maintained according to documentation submitted by the applicant showing pumping records from Steve's Septic Service. The current owner has the system pumped annually in order to protect it. The property does not appear to use significantly more water than neighboring properties. In addition, the condition was intended to reduce the amount of water going into the system, so there should be no restriction on the property owner taking the laundry to his adjacent property and doing the wash there. There would also be no restriction on the owner paying some other nearby resident to do the laundry, which would not reduce the amount of water going into the ground in general.

Although DEH did have some concerns since the system is undersized for the use, they determined that they had no objections to the removal of the condition to use a commercial laundry service as long as a record of an annual wet weather season inspection of the system is provided to DEH. In addition, the Planning Commission noted that the City's OWTs Management Program, that should be implemented some time this year, is designed to protect such systems as this, and will require its own rigorous inspection and maintenance schedule. The Planning Commission also included a condition to require that an effluent filter be installed if not already to protect the leachfield from keeping solids out of it.

Condition 2

The second condition placed on the project that the business must cease if the septic system fails is covered by other laws. If the system were to fail the County Division of Environmental Health (DEH) would take immediate enforcement action. This situation is also covered by the City's recent OWTs Management Program ordinance. I don't see how the condition adds any more protection or enforcement ability since other mechanisms are already in place. However, this condition was a recommendation of the DEH as part of the referral process for the use permit processing in 1985. Conditions may have been different then and the County did not have as many options for enforcement. But at this point, the DEH has no issue with removing this condition.

LANDSCAPING AND FENCING:

There is no landscaping or fencing associated with this project.

DESIGN REVIEW / VIEW PROTECTION FINDINGS:

Because the project will not alter any structures, and will not change the topography of the site by more than 2 feet, no Design Review is required.

USE PERMIT FINDINGS:

The following findings, as may be revised, are required in order to approve this project. As usual, the findings are written in a manner to allow approval of the project, but if the Planning Commission disagrees with any of the findings, or public testimony presents conflicting information, then the findings should be reworded accordingly.

- A. *The proposed use at the site and intensily contemplated and the proposed location will provide a development that is necessary or desirable for and compatible with the neighborhood or the community.* Response: The use of the site as a bed and breakfast has already been established. The removal of the conditions relating to the septic system will not alter the use.
- B. *Such use as proposed will not be detrimental to the health, safety, convenience, or general welfare of persons residing or working in the vicinity or injunious to property improvements or potential development in the vicinity with respect to aspects including but not limited to the following:*
1. *The nature of the proposed site, including its size and shape, and the proposed size, shape and arrangement of structures.* Response: There is no evidence that utilizing the existing septic system for laundry will adversely affect the function of the system.
 2. *The accessibility of the traffic patterns for persons and vehicles, and the type and volume of such traffic, and the adequacy of proposed off-street parking and loading.* Response: The proposed project will not affect traffic or parking.
 3. *The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor.* Response: The proposed project will not involve any emissions. Other legal safeguards are already in place to protect public health and the environment should the OWTS fail or malfunction.
 4. *Treatment given, as appropriate, to such aspects as landscaping, screening, open space, parking and loading areas, service areas, lighting and signs.* Response: The proposed removal of conditions will not affect any of these items.
- C. *That such use or feature as proposed will comply with the applicable provisions of this title, will be consistent with the policies and programs of the general plan*

and will assist in carrying out and be in conformity with the Trinidad coastal program. Response: As discussed above, under the Zoning Ordinance / General Plan Consistency section, the proposed project can be found to be consistent with the City's Zoning Ordinance, General Plan and Local Coastal Program.

D. That the proposed use or feature will have no significant adverse environmental impact or there are no feasible alternatives, or feasible mitigation measures, as provided in the California Environmental Quality Act, available which would substantially lessen any significant adverse impact that the actions allowed by the conditional use permit may have on the environment. Response: Removal of conditions is exempt from CEQA per § 15305 of the CEQA Guidelines exempting minor alterations to land use limitations.

E. When the subject property is located between the sea and the first public road paralleling the sea or within three hundred feet of the inland extent of any beach or of the mean high tide line where there is no beach, whichever is the greater, that: Response: The project is not located between the sea and the first public road, therefore the following findings are not applicable.

1. The development provides adequate physical access or public or private commercial use and does not interfere with such uses.
2. The development adequately protects public views from any public road or from a recreational area to, and along, the coast.
3. The development is compatible with the established physical scale of the area.
4. The development does not significantly alter existing natural landforms.
5. The development complies with shoreline erosion and geologic setback requirements.

PLANNING COMMISSION RECOMMENDATION:

Based on the above analysis, the project is consistent with the City's Zoning Ordinance and General Plan and other policies and regulations, and the necessary findings for granting approval of the project can be made. The Planning Commission agreed with staff's recommendation and found that the Use Permit Findings could be made, and recommended conditional approval of the project with the following motion:

Based on application materials, information and findings included in this Staff Report, and based on public testimony, I move to adopt the information and required findings in this staff report and recommend that the City Council approve the project as conditioned herein.

CONDITIONS OF APPROVAL

1. The property owner shall have the septic system inspected annually during the wet weather season and the results provided to DEH each year. This inspection schedule may be modified under implementation of the City's OWTs Management Program with written approval from DEH.
2. The owner recognizes that if the septic system fails, steps will be taken by the City and / or DEH to rectify the situation, which may include suspension of the Use Permit or temporary closure of the business until the system is repaired to the satisfaction of DEH.
3. The next annual inspection, to occur in the upcoming wet season, shall conform to the requirements for a performance inspection under the City's OWTs Management program verifying the function of the entire system, including the leachfield and confirming the presence or absence of an effluent filter. If an effluent filter is not already installed, one shall be installed at the time of inspection.

Attention - Pat Morales

APN: 042-101-07

DATE: July 8, 2010

APPL # 2010-06

APPLICATION REFERRAL FORM

FROM: Trevor Parker, City Planner
 Phone: (707) 822-5785; FAX: (707) 822-5786; email: trevor@streamlineplanning.net

TO: ☐ City Engineer ☐ Building Inspector
☒ Co. Health Department ☐ CA Coastal Commission
☐ CA Department of Fish and Game ☐ U.S. Army Corps of Engineers

RE: ☐ Design Review ☐ Variance
☒ Use Permit ☐ Minor/Major Subdivision
☐ Other _____

DATE NEEDED BY: July 14, 2010 (Please call if comments cannot be prepared by this time.
 Otherwise it will be assumed that you recommend approval. Please send comments to Trevor Parker, City
 Planner at: STREAMLINE Planning Consultants, 1062 G St, Suite L, Arcata, CA 95521)

APPLICANT: Mika Morgan

PROJECT LOCATION: 560 Edwards Street, Trinidad, CA

PROJECT DESCRIPTION: Modification of an existing Conditional Use Permit for the Trinidad Bay
 Bed and Breakfast to remove a previous condition placed on the original project approval in 1985 that all
 laundry must be done off-site.

CEQA STATUS: ☒ EXEMPT ☐ NEGATIVE DECLARATION ☐ RIRAPPEALABLE TO THE COASTAL COMMISSION? ☒ YES ☐ NOTO BE COMPLETED BY RECIPIENTCHECKLIST OF ITEMS NEEDING TO BE ADDRESSED: ☐ NONE

- | | | |
|--|--|--|
| 1. <input type="checkbox"/> ZONING | 7. <input type="checkbox"/> SETBACKS | 13. <input type="checkbox"/> CREEKS, WETLAND |
| 2. <input type="checkbox"/> WATER | 8. <input type="checkbox"/> SIDEWALKS | 14. <input type="checkbox"/> SURVEYS |
| 3. <input type="checkbox"/> SEPTIC | 9. <input type="checkbox"/> GRADING | 15. <input type="checkbox"/> ST. LIGHTING |
| 4. <input type="checkbox"/> ELECTRIC | 10. <input type="checkbox"/> DRAINAGE | 16. <input type="checkbox"/> HAZ. MATERIALS |
| 5. <input type="checkbox"/> ACCESS | 11. <input type="checkbox"/> ENCROACHMENT | 17. <input type="checkbox"/> PUBLIC SAFETY |
| 6. <input type="checkbox"/> BASEMENTS | 12. <input type="checkbox"/> VEG. CLEARING | 18. <input type="checkbox"/> POLICE CONCERNS |
| 19. <input type="checkbox"/> OTHER _____ | | |

PROPOSED CONDITIONS OF APPROVAL, COMMENTS & RECOMMENDATIONS:

7/15/10 DEH HAS NO OBJECTION TO THE AFOREMENTIONED MODIFICATION

UNDER THE CONDITION THAT A RECORD OF AN ANNUAL INSPECTION
 OF THE SEPTIC SYSTEM IS PROVIDED TO THE DIVISION OF ENV. HEALTH

COMMENTS CONTINUED: ☐ ON REVERSE SIDE ☐ ATTACHED ☐ NONE

D. S.



#1 IN THE #2 BUSINESS!

1810 Murray Road
McKinleyville, CA 95519

Invoice

Date	Invoice #
6/1/2010	9154

Bill To
Trinidad Bed & Breakfast P.O. Box 849 Trinidad, CA 95570-0849

P.O. No.	Terms	Due Date	Location
	Net 15	6/16/2010	

Serviced	Item	Description	Qty	Rate	Amount
6/1/2010	Pump Septic-C	Pump 1500 gallons from septic tank		600.00	600.00
6/1/2010	Discounts			-25.00	-25.00

TERMS: A Finance Charge of 1.5% per month (18% per annum) will be charged on past due accounts

Total \$575.00

Payments/Credits \$0.00

Balance Due \$575.00

Phone #	Fax #	E-mail
(707) 839-2270	(707) 839-2112	ssslc2112@seglobal.net



#1 IN THE #2 BUSINESS!

1810 Murray Road
McKinleyville, CA 95519

Invoice

Date	Invoice #
8/3/2010	8996

Bill To
Trinidad Bed & Breakfast P.O. Box 849 Trinidad, CA 95570-0849

P.O. No.	Terms	Due Date	Location
	Net 30	9/2/2010	560 Edwards Street Trinidad

Serviced	Item	Description	Qty	Rate	Amount
8/3/2010	20" Lid-Plastic	20" Round Riser Lid	4	20.00	80.00T
8/3/2010	Riser-6x20	6" High x 20" Diameter Riser	4	20.00	80.00T
8/3/2010	4" Effluent Filter	4" Effluent Filter w/ T-Baffle Housing	1	45.00	45.00T
8/3/2010	Couple PVC S&D 4...	Couple PVC S&D 4" HdH	1	25.00	25.00T
8/3/2010	Misc. Fittings	Bags of Hydraulic cement	5	20.00	100.00T
8/3/2010	Materials-Septic NIP	Quick Concrete	2	10.00	20.00T
8/3/2010	Labor	Repair outlet pipe to install filter		145.00	145.00
8/3/2010	Labor	Water test; repaired crack on gray water tank.		180.00	180.00
		Sales Tax		8.25%	28.88

TERMS: A Finance Charge of 1.5% per month (18% per annum) will be charged on past due accounts.

Total \$703.88

Payments/Credits \$0.00

Balance Due \$703.88

Phone #	Fax #	E-mail
(707) 839-2270	(707) 839-2112	ssjlc2112@sbcglobal.net



#1 IN THE #2 BUSINESS!

1810 Murray Road, McKinleyville, CA 95519

(707) 839-2270 / Fax: (707) 839-2112

E-mail: sselle2112@sbcglobal.net

Onsite Wastewater Treatment System Inspection Report

Jason

Ordered by Whom: Trinidad Red-Bank Date/Time Scheduled: 8/3/10 9am

Send Copy to: same

Fax to: _____

Site Address: 560 Edwards

Billing Address: _____

Street
Trinidad

PO Box
849
Trinidad

Phone: 845-7090

Phone: 677-0840

A. General Information: (Obtain as much as possible when inspection ordered)

1.) Age of wastewater treatment system: ? years.

Was a Homeowner Questionnaire completed?

☐ Yes ☐ No

☐ Water softener ☐ Garbage disposal ☐ Whirlpool bath ☐ Cleaning service

In-Home Business: type _____

Flow Meter: _____

2.) Number of people occupying dwelling: Currently: _____ Anticipated: _____

If currently unoccupied, for how long has it been vacant? _____ months

3.) Number of bedrooms in dwelling: _____

Design: _____ Listing: _____

4.) Has there ever been a backup in the house?

☐ Yes ☐ No

5.) List any known repairs made to the system: _____

6.) Has the system recently been inspected by others?

☐ Yes ☐ No

7.) Is there a service contract for system components?

☐ Yes ☐ No

Company: _____

8.) Date the treatment tank last pumped: _____

☐ Never to my knowledge

At what frequency?: _____

Company: _____

The above information is true to the best of my knowledge.

Owner _____

Date _____

B. System Type

1.) Components of Wastewater Treatment System (complete as necessary)

Pretreatment Unit 1: 1200 [gallons or gpd]

Pump: Pump Tank 1: / gpm/tdh [gallons]

Pretreatment Unit 2: 800 [gallons or gpd]

Pump: Pump Tank 2: / gpm/tdh [gallons]

Soil Treatment Unit: Leach 1 ? [square feet]

Additional Components:

3.) Gray-water run-off or drainage system?

☐ None ☐ Surface ☒ Subsurface Discharge

Comments:

Pasted water Test OK!

C. Evaluation Procedures: (Check the appropriate boxes)

Locate, access and open the septic tank cover

☒ Yes ☐ No

If at grade, is the cover "secure?"

☒ Yes ☐ No

Can surface water infiltrate into the tank?

☐ Yes ☒ No

Any indicators of previous failure?

☐ Yes ☒ No

Inspect lid, inspect level, measure sludge and scum, check effluent screen

☒ Yes ☐ No

Run an operation test

☐ Yes ☐ No

Gallons added in the test 300 gallons Both Tanks

If applicable, pump-out primary treatment tank

☐ Yes ☒ No

Listen and observe for backflow into the tank from the outlet pipe

Comments: Sealed & Repaired - Installed Reverse Filter

Caution: Do not pump treatment tank if there is evidence of a malfunction in any portion of the system.

Inspect the condition of the primary treatment tank Repaired

☒ Yes ☐ No

(i.e. cracks, infiltration, deterioration or damage) Crack in Gray Water Tank

Inspect the integrity of the inlet and outlet baffles

☒ Yes ☐ No

(i.e. deterioration or damage)

Does the system contain a dosing or pump tank, ejector or grinder pump?

☐ Yes ☐ No

If so, did you check integrity of the tank (cracks, infiltration, etc?)

☐ Yes ☐ No

Is the pump elevated off the bottom of the chamber?

☐ Yes ☐ No

Does the pump work?

☐ Yes ☐ No

If there is a check valve, is a purge hole present?

☐ Yes ☐ No

Is there a high water alarm?

☐ Yes ☐ No

Does the alarm work?

☐ Yes ☐ No

Do electrical connections appear satisfactory?

☐ Yes ☐ No

Did you clean the pump tank?

☐ Yes ☐ No

Probe the soil treatment area

☒ Yes ☐ No

check for excessive moisture, odor and/or effluent

Type of Distribution:

☒ Gravity

☐ Pressure

Is There:

Any indication of a previous failure?

☐ Yes ☒ No

Seepage visible on the lawn?

☐ Yes ☒ No

Lush vegetation present?

☐ Yes ☒ No

Ponding water in the distribution media?

☐ Yes ☒ No

Even distribution of effluent in the field?

☒ Yes ☐ No

Determine approximate distance between water well and soil treatment area.

Approximate distance is 600 yds. feet.

Explain answers as necessary:

Both are old Systems BUT working Good!
Filter on 1200 TANK need cleaning once a year.

D. Sketch of System

For reproducible results, show dimensions from structures that will not change, such as corners or the house. Show details, such as the road, in relation to the house to get the correct orientation. Show all located components.



E. Checklist Summary

- 1.) Pretreatment Unit 1 is in ☒ Acceptable ☐ Unacceptable condition.
Pretreatment Unit 2 is in ☒ Acceptable ☐ Unacceptable condition.
Comments:
- 2.) Soil Treatment area is in ☒ Acceptable ☐ Unacceptable condition.
Comments:
- 3.) ~~Pump and~~ pump tank is in ☐ Acceptable ☐ Unacceptable condition.
~~*Comments:*~~

F. Disclaimer

Based on what we were able to observe and our experience with onsite wastewater technology, we submit this Onsite Wastewater Treatment System Inspection report based on the present condition of the onsite wastewater treatment system. Steve's Septic Service has not been retained to warrant, guarantee, or certify the proper functioning of the system for any period of time in the future. Because of the numerous factors (usage, soil characteristics, previous failures, etc.) which may effect the proper operation of a wastewater treatment system, this report shall not be construed as a warranty by our company that the system will function properly for any particular buyer. Steve's Septic Service DISCLAIMS ANY WARRANTY, either expressed or implied, arising from the inspection of the wastewater treatment system or this report. We are also not ascertaining the impact the system is having on the environment.

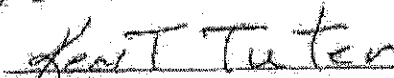
**STEVE'S
SEPTIC
SERVICE**

#1 IN THE #2 BUSINESS!

1810 Murray Road, McKinleyville, CA 95519
(707) 839-2270 / Fax: (707) 839-2112
E-mail: sssllc2112@abcglobal.net



Signature



Print Name



DISCUSSION AGENDA ITEM 5

SUPPORTING DOCUMENTATION FOLLOWS WITH: 6 PAGES

5. Discussion/Decision to Increase Business License Fees.

DISCUSSION/ACTION AGENDA ITEM

Date: October 10, 2012

Item: Business License Fees

Background: Section 5.04.250 of the Municipal Code provides that the business license fees are as set by resolution of the City Council. Except for consideration of a first year Vacation Dwelling Unit fee (\$100 per VDU Ordinance), the last time the fees were adjusted was by Resolution No. 93-2 adopted in February 1993. The city's external auditor has recommended consideration of a fee adjustment given that costs have risen since 1993.

The \$100 first year VDU fee was based on additional effort that will be required of city staff to review the site plan and sample rental agreements for conformance to the requirements as set forth in the VDU ordinance. With exception of the first year VDU, other fees are proposed at \$60 per year or \$10 per day. This compares to the current fee ranging from \$37.50 to \$90.00 depending on the type of business. The proposed single rate will simplify the collection and will be in line with procedures and costs assessed by other local entities. The late fee is proposed at \$20 if not paid by July 31 of each year.

A survey of other smaller local entities was conducted with the results attached.

Proposed Action:

Consider approval of Resolution 2012-11 updating business license fees for the City of Trinidad.

Attachments:

Survey of Business License Fees

Exhibit "A" – Fees adopted in 1993

Proposed Resolution 2012-11

Business License Fees

2012 Study

Blue Lake	Ferrdale	Ridell	Trinidad	Type of Business
\$50	*	*	\$38	Not having fixed place of business, delivers merchandise or performs services within the City, grossing over \$100/mo
*	*	*	\$20	A business (same as above) grossing \$100 or less/mo
\$50	*	*	*	Licensed contractor \$15/qtr or \$50 if pd annually
*	*	\$5	*	Contractors, non-resident \$5 per day
\$100	*	*	*	Door-to-door salesman \$100 annual or daily fee of \$30 + \$5 for ea salesperson in excess of one.
*	*	\$10	*	Peddlers, solicitors, mobile vendors \$10/person/day
*	*	\$5	*	Business license, non-resident \$5 per day
\$50	\$60	*	\$45	Business selling goods or services
*	*	*	*	Conducting or carrying on any profession, trade or occupation
\$15	*	*	*	B) + \$15 for ea employee for the first 14. Or single-day fee of \$10.
*	\$15	*	*	F) Retail, period less than a fiscal year, per quarterly unit
*	*	\$60	*	Gross receipts in excess of \$30,000. (\$500 - \$30,000 annual gross receipts = \$30 fee)
*	*	*	\$45	Renting residences or apartments; for the first 5 units & \$5/yr for each additional unit over 5
\$40	*	*	*	B) Mother-in-law unit, private access \$40 + \$10 /additional unit/yr
\$50	*	*	*	B) B&B, mobile home park, apartment: \$50 + ea additional rental space +\$10/unit/yr
\$50	*	*	*	Residential rental (facilities for cooking & sleeping)
*	*	\$4	*	Rental property license = \$4 per rental unit
*	*	\$28	*	Motel or hotel accommodations \$28 plus \$2 per rental unit
*	*	*	\$68	Renting trailer spaces per year for 1st 5 spaces & \$4/yr for ea additional space over 5 spaces.
*	*	\$2	*	House trailer parking space = \$2 per space
*	*	*	\$45	Commercial fishermen
*	*	*	\$10	Conducting business, trade, profession or calling for one day
*	*	*	\$0	Charitable organization
*	*	*	\$0	Staging a concert, exhibition, lecture, entertainment solely for charitable purposes (not for private gain)
*	*	*	\$90	Operating a food market
*	\$80	*	*	No Sales Tax, entire fiscal year. Less than fiscal yr, \$20 per quarterly unit
*	*	*	\$90	Operating an automobile service station
*	*	*	\$90	Operating a public or private telephone communications system
*	*	*	\$45	Operating a restaurant
\$50	\$100	\$75	*	Carnivals, acrobatic performance (after permit acquired) pd in advance.
*	*	\$100	*	Circus, two or more ring (One-ring circus = \$50 per day)
*	*	\$10	*	Fortunetellers & similar persons \$10 per day
*	*	\$200	*	Card table for card game. Each table (plus regular business license \$60)
*	*	\$20	*	Public dance
*	\$150	*	*	Service/Product offered locally. (Service/Product not offered locally \$10)
*	\$100	*	*	Chamber sponsored sales

EXHIBIT "A"

The Following schedule of fees is established for the conduct of all businesses, trades and professions within the City:

A) Every person, whether or not having a fixed place of business within the City of Trinidad, who delivers goods, wares, or merchandise of any kind or performs services within the City, and who grosses over \$100/month, shall pay an annual license fee of \$ 37.50 per year.

Every such person who grosses \$100 or less per month shall pay an annual license fee of \$ 20.00.

B) For every person conducting or carrying on a business consisting of selling any goods, wares and merchandise or commodities, or services, or conducting or carrying on any profession, trade or occupation, calling or business not otherwise specifically licensed by other subdivisions of this resolution, shall pay an annual license fee of \$ 45.00 per year.

C) For every person carrying on the business of renting residences or apartments the annual license fee shall be \$ 45.00 each per year for the first 5 units and \$ 5.00 per year for each additional unit over 5.

D) For every person carrying on the business of renting trailer spaces the annual license fee shall be \$ 67.50 each per year for the first five spaces and \$ 4.00 per year for each additional space over 5 spaces.

E) Every person having a residence in the City of Trinidad and carrying on the business of commercial fisherman shall pay an annual license fee of \$ 45⁰⁰.

F) For every person carrying on any business, trade, profession or calling for one day, the license fee shall be \$ 10⁰⁰ for that day.

G) The following are exempted from the payment of a license fee under this resolution, only when prior written City Council is obtained,

i) Any charitable institution, organization, or association organized and conducted for charitable purposes only.

ii) Any person conducting, carrying on or staging any concert exhibition, lecture, dance, amusement or entertainment or sale where receipts, if any derived therefrom, are to be used solely for charitable or benevolent purposes and not for private gain or for the private gain of any person in whole or part.

H) Every person carrying on the business of operating a food market shall pay an annual license fee of \$ 90⁰⁰.

I) Every person carrying on the business of operating an automobile service station shall pay an annual license fee of \$ 90⁰⁰.

J) Every person carrying on the business of operating a public or private telephone communications system shall pay an annual license fee of \$ 90⁰⁰.

K) Every person carrying on the business of operating a restaurant shall pay an annual license fee of \$ 45⁰⁰.

L) The penalty for any person who fails to pay a license fee is required by this resolution shall be 100% of the applicable license fee if said fee is not paid within 10 days after July 1, of each year.

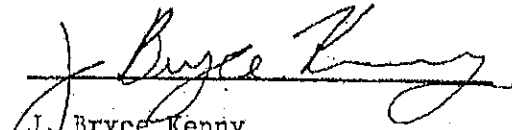
M) This resolution shall be effective immediately upon its passage.

ATTEST:



Janelle Case
City Clerk
City of Trinidad

APPROVED:



J. Bryce Kenny
Mayor
City of Trinidad

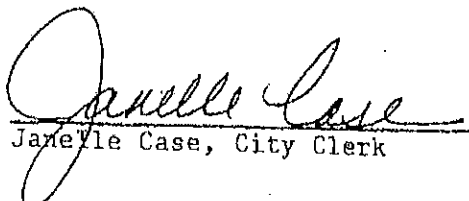
CLERK'S CERTIFICATE

I hereby certify that the foregoing is a true and correct copy of Resolution No. 93-2 passed and adopted at a regular meeting of the City Council of the City of Trinidad, California, held on the 10th day of February 1993, by the following vote:

AYES: KENNY, ODOM, SAUNDERS

NOES: KIRK

ABSENT: ROTWEIN


Janelle Case, City Clerk

TRINIDAD CITY HALL
P.O. Box 390
409 Trinity Street
Trinidad, CA 95570
(707) 677-0223

Kathy Bhardwaj, Mayor
Gabriel Adams, City Clerk



RESOLUTION 2012-11

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TRINIDAD AMENDING THE
BUSINESS LICENSE FEES**

WHEREAS, pursuant to Section 5.04.250 of the Municipal Code, the City Council may from time to time amend and change its license fees; and

WHEREAS, the City Council now desires to raise its Business License fees for all businesses in the City of Trinidad;

NOW, THEREFORE LET IT BE RESOLVED that the annual Business License fee shall be established as follows:

BASE LICENSE TAX:

1. First Year Vacation Dwelling Unit \$100.00
2. All Other Licenses \$60.00
3. Daily License \$10.00
4. Trailer Courts: \$60.00 plus \$2.00 for every space over 5 spaces.
5. Late Fee: \$20.00 if not received by July 31.

PASSED AND ADOPTED BY THE TRINIDAD CITY COUNCIL of Humboldt County of the State of California this 10th day of October, 2012.

I, the undersigned, hereby certify that the foregoing Resolution was duly adopted by the Trinidad City Council by the following vote:

Ayes:

Noes:

Absent:

Abstain:

Attest:

Gabriel Adams
Trinidad City Clerk

Kathy Bhardwaj
Mayor